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INVESTIGATION OF COMMUNIST INFILTRATION OF
GOVERNMENT—PART 4

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HEARINGS

BEFORE THE

COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES

EIGHTY-FOURTH CONGRESS

SECOND SESSION

FEBRUARY 21, 23, AND 24, 1956

Printed for the use of the Committee on Un-American Activities

(Index in Part 5 of this series)



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1956

COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress (1946), chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *

17. Committee on Un-American Activities, to consist of nine members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American Activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States; (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution; and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

RULES ADOPTED BY THE 84TH CONGRESS

House Resolution 5, January 5, 1955

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress, the following standing committees:

* * * * *

(q) Committee on Un-American Activities, to consist of nine members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

17. Committee on Un-American Activities.

(a) Un-American Activities.

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INVESTIGATION OF COMMUNIST INFILTRATION OF GOVERNMENT—Part 4

TUESDAY, FEBRUARY 21, 1956

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D. C.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met at 10 a. m., pursuant to recess, in the caucus room, Old House Office Building, Hon. Francis E. Walter (chairman) presiding.

Committee members present: Representatives Francis E. Walter, Pennsylvania (presiding), Morgan M. Moulder of Missouri, Clyde Doyle of California, James B. Frazier Jr. of Tennessee, Edwin E. Willis of Louisiana, Bernard W. Kearney of New York, and Gordon H. Scherer of Ohio.

Staff members present: Richard Arens, acting counsel, and Courtney E. Owens, investigator.

The CHAIRMAN. The committee will be in order.

A quorum of the subcommittee appointed for the continuation of these hearings is present.

Call your first witness.

Mr. ARENS. Mr. Joseph Robison, kindly remain standing and raise your right hand to be sworn.

The CHAIRMAN. Do you swear the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ROBISON. I do.

The CHAIRMAN. Sit down.

TESTIMONY OF JOSEPH B. ROBISON, ACCOMPANIED BY COUNSEL, JOSEPH L. RAUH, JR.

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. ROBISON. Joseph B. Robison, 142 Rockland Avenue, Lynbrook, New York, attorney.

Mr. ARENS. Are you appearing today, Mr. Robison, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. ROBISON. That is correct.

Mr. ARENS. You are represented by counsel?

Mr. ROBISON. That is correct.

Mr. ARENS. Will counsel kindly identify himself.

Mr. RAUH. Joseph L. Rauh, Jr., 1631 K Street, Washington, D. C.

Mr. ARENS. Mr. Robison, have you ever been identified by any name other than the name which appeared on your subpoena, Joseph B. Robison, R-o-b-i-s-o-n?

Mr. ROBISON. No.

Mr. ARENS. Will you kindly give us a word as to your present occupation for the purpose of identification?

Mr. ROBISON. I am on the staff of the American Jewish Congress.

Mr. ARENS. In what capacity do you serve?

Mr. ROBISON. As attorney.

Mr. ARENS. Who is your immediate superior?

Mr. ROBISON. Mr. Will Maslow.

Mr. ARENS. Kindly tell us in a word what your duties are?

Mr. ROBISON. Generally carrying out the policies of the American Jewish Congress, specifically with respect to combating anti-Semitism and other forms of discrimination.

Mr. ARENS. Do you work with Mr. Maslow in connection with any of his duties to submit to congressional committees, testimony on various issues?

Mr. ROBISON. Yes; I do.

Mr. ARENS. Mr. Maslow not long ago appeared before a committee of the United States Senate testifying with reference to security matters. Did you assist him in that project?

Mr. ROBISON. No; I did not.

Mr. ARENS. Would you tell us without detail, the projects in which you do assist or have assisted Mr. Maslow?

Mr. ROBISON. I can, for example, mention the testimony he gave before the House Judiciary Committee on the pending civil rights bill.

Mr. ARENS. How long ago was that?

Mr. ROBISON. It was some time during the last year.

Mr. ARENS. Did you assist him in the preparation of his statement?

Mr. ROBISON. Yes; I did.

Mr. ARENS. Can you tell us of other statements or projects in which you assisted Mr. Maslow in connection with his appearance before a committee of the Congress?

Mr. ROBISON. I would not think in the last few years. If there have been any it has been on the subject of civil rights matters.

Mr. ARENS. We may return to this later, but I would like now to get a thumbnail sketch of your early life, where you were born and your education, in chronological form, please.

Mr. ROBISON. I was born in Crestwood, N. Y., in 1912. I was educated in public school No. 15 of the Yonkers school system. I went to Townsend Harris Hall, a public high school in New York City. I received my B. A. from Columbia College in 1932 and my LL.D. from Columbia Law School in 1934.

Mr. ARENS. Give us, please, a comparable sketch chronologically of the employment you have had since you completed your education at Columbia.

Mr. ROBISON. Following my graduation from Columbia I had one or two jobs with attorneys. I don't even remember their names. Each

one of those employments was quite brief. In April 1935 I started working for Professor Powell of Columbia Law School, on the Re-statement of the Law of Property.

In July 1937 I started working for the National Labor Relations Board, where I worked until the end of 1946.

Mr. ARENS. I wonder if I could interrupt you, please, sir. When did you commence your employment with the NLRB?

Mr. ROBISON. In July 1937.

Mr. ARENS. And you were employed there until when?

Mr. ROBISON. Until the end of 1946, December 26, 1946.

Mr. ARENS. We will revert in detail to this series of employments later, but at the moment we want to get the pattern and chronology.

Where were you engaged after 1946?

Mr. ROBISON. I then started to work for the American Jewish Congress and have worked for them ever since.

Mr. ARENS. If we may revert to July of 1937, kindly tell us what occasioned your employment with the National Labor Relations Board?

Mr. ROBISON. I was aware of employment opportunities in Washington and I went to Washington and applied to several agencies. I applied among other places at the National Labor Relations Board.

Mr. ARENS. What job did you procure?

Mr. ROBISON. I procured a job as a review attorney.

Mr. ARENS. Give us just a word of the duties of a review attorney.

Mr. ROBISON. Analyzing the records in cases before the Board.

Mr. ARENS. Who was your superior?

Mr. ROBISON. Nathan Witt.

Mr. ARENS. Could you further identify Nathan Witt for us?

Mr. ROBISON. He was the Assistant General Counsel in charge of the Review Section at that time.

Mr. ARENS. Did he have anything to do with procuring that employment for you?

Mr. ROBISON. I don't know who made the decision. I was interviewed by Mr. Witt and subsequently was informed that I had been employed.

Mr. ARENS. Did you know Mr. Witt prior to the time that he became your superior in the National Labor Relations Board?

Mr. ROBISON. No; I did not.

Mr. ARENS. What were your duties in connection with your relationship with Mr. Witt?

Mr. ROBISON. My duties were to analyze the cases before the Board and report on them to the Board, and then subsequently to prepare drafts of decisions in accordance with instructions from the Board.

Mr. ARENS. When you applied for your position with the National Labor Relations Board, did you fill out a Government form for employment?

Mr. ROBISON. I suppose I must have.

Mr. ARENS. I lay before you now, Mr. Robison, a photostatic copy of a document on which a signature appears at the bottom, and ask you if you can identify that signature.

(The members of the committee present at this point were: Representatives Walter, Willis, Kearney, and Scherer.)

(Witness and his counsel examined a document.)

Mr. ARENS. Mr. Chairman, I respectfully suggest that the outstanding question pertains just to a particular signature and has not yet encompassed the entire document. I only asked the witness whether or not he recognizes a particular signature on the document.

Mr. ROBISON. The answer is "Yes," that is my signature.

Mr. ARENS. Do you recognize the document?

Mr. ROBISON. No, I do not.

The CHAIRMAN. What does that document purport to be?

Mr. ARENS. The document is a photostatic copy of a personal history statement bearing the signature of Joseph B. Robison, R-o-b-i-s-o-n, and the witness has now identified his signature. In the document, on which appears the signature you have identified as your own signature, is a question: No. 26:

Are you a member of any Communist or German Bund organization or any political party or organization which advocates the overthrow of our constitutional form of government in the United States, or do you have membership in, or any affiliation with any group, association, or organization which advocates, or lends support to any organization or movement advocating, the overthrow of our constitutional form of government in the United States?

Did you affix the "No" in answer to that question?

(The witness conferred with his counsel.)

Mr. ROBISON. Yes, I did.

Mr. ARENS. Was that a truthful answer?

(The witness conferred with his counsel.)

Mr. ROBISON. To that question I must plead my privilege under the fifth amendment.

Mr. ARENS. In other words, you tell this Committee on Un-American Activities of the Congress of the United States that if you gave a truthful answer as to whether or not you lied when you signed a "No" after the principal question respecting Communist Party affiliation, you would be supplying information which could be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. ROBISON. As to that question, also, I must plead the fifth amendment.

The CHAIRMAN. Just a minute. You are not under any compulsion. You say "I must." By that you mean "I do"?

Mr. ROBISON. I do.

The CHAIRMAN. I direct you to answer.

Mr. ROBISON. I do adhere to my position.

Mr. ARENS. What is the date affixed next to your signature which you have identified on this document? Would you kindly read that date into the record?

Mr. ROBISON. May 19, 1944.

Mr. ARENS. Is that the date on which you signed this document, a photostatic copy of which you have just examined?

Mr. ROBISON. I would presume so.

Mr. ARENS. As of that date, May 19, 1944, were you a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. ROBISON. In answer to that I would like to state that I am not now a member of the Communist Party—

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer the specific question: Were you as

of the date on which you signed this document a member of the Communist Party?

Mr. ROBISON. As to that I plead the fifth amendment.

The CHAIRMAN. You invoke the fifth amendment. This isn't a trial or a cause. You do not plead. You invoke the fifth amendment.

Mr. ROBISON. May I also add that I am not now a member of the Communist Party and have not been a member at any time since I joined the staff of the American Jewish Congress in 1946.

The CHAIRMAN. I am sure of that. It is indeed unfortunate, if that is the fact, that you are not willing to cooperate with us in our attempts to devise legislation to protect our Government from those who would overthrow it. We know that you could be of great help to us, and I was hoping that you would assist us. We are preparing a very broad legislative program, and only from the lips of witnesses such as you can we get the information that we need in order to devise this program.

Proceed, Mr. Counsel.

Mr. ARENS. Were you a member of the Communist Party in 1946?

Mr. ROBISON. I joined the staff of the American Jewish Congress at the end of 1946. Prior to that time I plead the fifth amendment.

Mr. ARENS. What date, specifically, did you join the staff of the American Jewish Congress?

Mr. ROBISON. December 26, 1946.

Mr. ARENS. Were you a member of the Communist Party 1 day prior to the time that you joined the staff of the American Jewish Congress?

(The witness conferred with his counsel.)

Mr. ROBISON. I plead the fifth amendment as to that question.

Mr. ARENS. Were you under Communist discipline 1 day prior to the time that you joined the staff of the American Jewish Congress?

Mr. ROBISON. I plead the fifth amendment as to that.

Mr. ARENS. Were you under Communist discipline the day you joined the staff of the American Jewish Congress?

Mr. ROBISON. No.

Mr. ARENS. What steps, if any, did you take to disassociate yourself from the Communist conspiracy prior to the time that you joined the staff of the American Jewish Congress?

Mr. ROBISON. As to that I plead the fifth amendment.

Mr. ARENS. Have you ever resigned from the Communist Party?

Mr. ROBISON. Fifth amendment.

Mr. ARENS. Who were some of your fellow lawyers on the staff of the National Labor Relations Board while you were employed there? You have given us the name of one, Nathan Witt. Tell us the names of other lawyers who were on that staff—your fellow employees.

Mr. ROBISON. There was a very large number.

Mr. ARENS. Who were your personal acquaintances in the National Labor Relations Board in the course of your employment in a legal capacity at that Board?

Mr. ROBISON. I can mention some of the persons who were the heads of the departments I worked in. There was Thomas Emerson, the head of the Review Section for most of the time.

Mr. ARENS. Was he a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. ROBISON. No. He was not, not to my knowledge.

Mr. ARENS. Did you know a man by the name of Martin Kurasch?
Mr. ROBISON. I did.

Mr. ARENS. Was he a member of the Communist Party?

Mr. ROBISON. As to that I plead the fifth amendment.

Mr. ARENS. Do you feel if you told this committee the truth as to whether or not Martin Kurasch was a member of the Communist Party you would be supplying information which could be used against you in a criminal proceeding?

Mr. ROBISON. As to that I plead the fifth amendment.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that the witness be ordered and directed to answer this question.

The CHAIRMAN. You are directed to answer the question.

(The witness conferred with his counsel.)

Mr. ROBISON. The same answer.

Mr. ARENS. Allan R. Rosenberg?

Mr. ROBISON. The same answer.

Mr. ARENS. Lester Asher?

Mr. ROBISON. The same answer.

Mr. ARENS. David Rein?

Mr. ROBISON. The same answer.

Mr. ARENS. Woodrow Sandler?

Mr. ROBISON. The same answer.

Mr. ARENS. Do you know these men whose names I am mentioning?

Mr. ROBISON. Do I know them presently?

Mr. ARENS. Yes.

Mr. ROBISON. Yes, I do.

Mr. ARENS. Did you work with them?

Mr. ROBISON. As to most of them, I would say no.

Mr. ARENS. But you knew that they were fellow employees in a legal capacity in the National Labor Relations Board; is that correct?

Mr. ROBISON. Yes.

Mr. ARENS. May I call off some more names, perhaps to refresh your recollection.

Jacob H. Krug?

Mr. ROBISON. The same answer.

Mr. ARENS. Mortimer Riemer, R-i-e-m-e-r.

Mr. ROBISON. The same answer.

Mr. ARENS. John W. Porter.

Mr. ROBISON. The same answer.

Mr. ARENS. Margaret Bennett Porter.

Mr. ROBISON. The same answer.

Mr. ARENS. Allen Heald, H-e-a-l-d.

Mr. ROBISON. The same answer.

Mr. ARENS. Harry Cooper.

Mr. ROBISON. The same answer.

Mr. ARENS. Edward Scheunemann, S-c-h-e-u-n-e-m-a-n-n.

Mr. ROBISON. The same answer.

Mr. ARENS. Bertram Diamond.

Mr. ROBISON. The same answer.

Mr. ARENS. Herbert Fuchs.

Mr. ROBISON. The same answer.

Mr. ARENS. Did you know each and every one of the persons whose names I have just called off?

Mr. ROBISON. Personally? I knew each of them to some extent, yes.

Mr. ARENS. And each of those persons was employed in a legal capacity in the National Labor Relations Board?

Mr. ROBISON. To the best of my recollection, that is correct.

Mr. ARENS. Was each of those persons under the supervision of Nathan Witt?

Mr. ROBISON. Oh, no.

Mr. ARENS. Were all of those persons enumerated under the supervision of Nathan Witt?

Mr. ROBISON. I would imagine very few of them. I would have to look at the list to see.

Mr. ARENS. Did you have any association with the persons enumerated other than the association which fellow employees would have within any given agency?

(The witness conferred with his counsel.)

Mr. ROBISON. I plead the fifth amendment.

Mr. ARENS. The fact is, that each and every one of these persons whose names I have called off, including yours, was a member of a Communist cell within the National Labor Relations Board? Is that not the truth?

Mr. ROBISON. As to that question also I plead the fifth amendment.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that each and every one of those persons whose names I have called off was a member of a Communist cell within the National Labor Relations Board?

Mr. ROBISON. As to that I plead the fifth amendment.

Mr. ARENS. What is, or what was a company union during the course of your experience?

Mr. ROBISON. That term could be used in either of two ways. It could mean either a union confined to the employees of a particular company or it could mean a union so confined which was dominated by the employer.

Mr. ARENS. If a union was dominated by the employer under the policy of the National Labor Relations Board, that union could not have bargaining rights, could it?

Mr. ROBISON. That is correct.

Mr. ARENS. Why could it not have bargaining rights?

Mr. ROBISON. The theory is, as I recall the Board decision now—this was some time ago—the theory was that a union that was dominated by the employer was in effect an agent of the employer and that therefore bargaining would be a mockery because the employer would be sitting on both sides of the table. Something like that.

Mr. ARENS. That was the policy enunciated at the Board by Nathan Witt, was it not?

Mr. ROBISON. No; that policy was enunciated by the Board.

Mr. ARENS. That policy was the policy Nathan Witt laid down within the National Labor Relations Board, within the purview of his jurisdiction, is that not the truth?

(The witness conferred with his counsel.)

Mr. ROBISON. Not to my knowledge.

Mr. ARENS. Did you adhere to that policy?

Mr. ROBISON. I adhered—I prepared decisions in accordance with the instructions of the Board. That is, while I was in the Review Section. Most of the time I was in the Litigation Section where I merely briefed cases in court.

Mr. ARENS. Did you personally concur in that policy?

Mr. ROBISON. Yes; I did.

Mr. ARENS. Was that policy personally concurred in by the persons whose names I read off to you beginning with Allan Rosenberg and ending with Herbert Fuchs?

Mr. ROBISON. As to that I could not say.

Mr. ARENS. Did you observe any dissent among your fellow lawyer friends at the National Labor Relations Board whose names I have called off with reference to this policy—that a union dominated or controlled by an employer was not a bona fide labor union and therefore did not have the right to bargain as such?

Mr. ROBISON. I am sure there was a good deal of discussion of it. I know there was some dissent. I am not quite sure whom the dissent came from. I do not recall specifically any dissent by any of these persons.

Mr. ARENS. What was the policy of the National Labor Relations Board and of these colleagues of yours in the Board with reference to a labor organization which was controlled lock, stock and barrel by the Communist Party? Was it entitled to representation and was it entitled to bargaining rights?

Mr. ROBISON. I don't recall in my work having to deal with that question, and I don't recall that the issue was ever squarely raised in the time that I was with the Board.

Mr. ARENS. Was the United Electrical Radio and Machine Workers of America ever denied bargaining rights because it was not deemed to be a bona fide labor organization, but in truth and in fact an agent of a foreign-controlled conspiracy?

Mr. ROBISON. I don't recall that that issue ever was raised by any employer or union at the Board while I was there.

Mr. ARENS. Answer the question as specifically as you can. To your knowledge was the United Electrical Workers ever denied bargaining rights on the ground or theory that it was not a bona fide labor organization, but that it was in truth and in fact in the same status as a company-controlled union, namely, that it was controlled by a foreign entity?

Mr. ROBISON. Not to my knowledge.

Mr. ARENS. Was the International Union of Mine, Mill and Smelter Workers, to your knowledge, ever denied bargaining rights because in truth and in fact it was controlled not by the workers but on an analogous basis to the company-controlled union; controlled by an entity not responsible to the workers?

Mr. ROBISON. Not to my knowledge.

Mr. ARENS. Was the American Communications Association ever to your knowledge denied bargaining rights under the policy of the National Labor Relations Board on the theory that the American Communications Association because of its Communist control was not a bona fide labor organization?

Mr. ROBISON. Not to my knowledge.

Mr. ARENS. The truth is, is it not, Mr. Robison, that of the numerous Communist controlled organizations masquerading as labor unions, every one of them was granted bargaining rights notwithstanding the policy of the National Labor Relations Board that a company-dominated union would not be granted bargaining rights

because it was not a true and accurate representative of the workers? Isn't that the fact?

Mr. ROBISON. I really can't say. All I can say is that I don't know of any cases where a union was denied representation on that ground.

Mr. ARENS. Let this record be clear. Do you know of any case in which a Communist organization masquerading as a labor union was ever denied bargaining rights?

Mr. ROBISON. No; I do not; but I do want to make it clear that I would not necessarily know of such cases.

Mr. ARENS. Do you know, however, of cases in which an organization controlled by an employer was denied bargaining rights because it was the policy not to recognize an entity which was controlled by an alien influence?

Mr. ROBISON. I will have to get that question again. I am sorry.

Mr. ARENS. Do you know of instances in which a company-controlled union was denied bargaining rights because a company-controlled union did not represent the rank and file of the membership? You have told us that was the policy.

Mr. ROBISON. I do know there were cases in which a union was denied representation because there was evidence that it did not have the clear support of a majority of the members, yes.

Mr. ARENS. That was the policy, was it not?

Mr. ROBISON. Yes.

Mr. ARENS. Can you help us to reconcile what appears here to be an inconsistency? Why would the policy be that a company-controlled union would not be recognized for bargaining purposes but that a Communist-controlled entity would be recognized for bargaining purposes?

Mr. ROBISON. I can only say what I said before, that the question was never raised. The Board did not pass on it because the charges were not made and consequently the charges were not before the Board.

Mr. ARENS. Who would bring the charges?

Mr. ROBISON. Any employer or union involved.

Mr. ARENS. The truth is that charges were brought before the National Labor Relations Board in numerous instances that given entities were not bona fide labor organizations but were the tools of the Communist conspiracy, and that those charges were not entertained by the National Labor Relations Board? Is that not the truth?

Mr. ROBISON. That is not the truth so far as my recollection of my time in the Review Section, sir, and I don't recall the issue ever being raised while I was at the Board.

Mr. ARENS. Do you know whether or not Nathan Witt, who has been repeatedly identified as a Communist agent, and who was Secretary to the Board, had anything to do with this policy which we have been discussing?

Mr. ROBISON. No, I am not familiar with what his role was in the Secretary's office.

Mr. ARENS. Did you and any of the other lawyers in the National Labor Relations Board whose names we have repeated ever discuss policy matters in connection with any extracurricular association which you may have had?

(The witness conferred with his counsel.)

Mr. ROBISON. I am not sure I understand the question.

Mr. ARENS. We will try it again. Did you and any of these individuals whose names I called off to you ever have any discussions, meetings or sessions respecting a policy which would be pursued within the National Labor Relations Board to accomplish certain objectives?

Mr. ROBISON. No, we did not.

Mr. ARENS. Did you ever meet in any session with any of these persons whose names I have called off to you other than a session strictly in connection with your work?

Mr. ROBISON. May I have the question once again? I am sorry.

Mr. ARENS. Did you ever meet in a session with any of these persons whose names I called off to you other than a session strictly in connection with your work as an employee of the National Labor Relations Board?

Mr. ROBISON. As to that I plead the fifth amendment.

Mr. ARENS. In other words, you are telling this committee, are you not, that if you give a truthful answer to that question you would be supplying information which could be used against you in a criminal proceeding?

Mr. ROBISON. I give the same answer to that.

The CHAIRMAN. May I perhaps give to the witness a little idea of what we are driving at. Some time ago a witness testified that he was instructed by a leader of the Communist Party not to be conspicuous by work he was doing in the party because on the Board he was rendering a greater service to the Communist conspiracy.

This committee has under consideration a bill which would make it illegal for a Communist to work for the Federal Government. What Mr. Arens is leading up to is whether or not anyone ever instructed you as to the decisions you handed down in order to keep the workers confused, upset, and disturbed. Did any outside influence ever attempt to direct you to what your your decisions should contain?

(The witness conferred with his counsel.)

Mr. ROBISON. The answer is "No."

Mr. ARENS. I should like to read to you, Mr. Robison, a quotation and then I will ask you a question about that quotation. [Reading:]

The conquest of political power by the proletariat is a gigantic step forward for the proletariat as a class, and the party must more and more than ever, and in a new way, not merely in the old way, educate and guide the trade unions; at the same time it must not forget that they are, and will long remain, a necessary "school of communism," a preparatory school for training the proletariat to exercise its dictatorship * * *. It is necessary to be able to withstand all this, to agree to any and every sacrifice, and even—if need be—to resort to all sorts of devices, maneuvers, and illegal methods, to evasion, and subterfuge, in order to penetrate into the trade unions, to remain in them, and to carry on Communist work in them at all costs.

Have you ever heard that quotation before?

Mr. ROBISON. No; I have not.

Mr. ARENS. That is a quotation from V. I. Lenin. Have you ever belonged to an organization dedicated to this program which is announced in that quotation I have just read to you?

Mr. ROBISON. I plead the fifth amendment as to that question.

Mr. ARENS. In other words, if you told this committee the truth as to whether or not you ever belonged to an organization or actively participated in an organization which had the accomplishment of these objectives I have just read to you as its program, you would be supply-

ing information which could be used against you in a criminal proceeding, is that correct?

Mr. ROBISON. I take the same position, sir.

Mr. ARENS. Did your colleagues whose names I read to you and who were employed in a legal capacity in the National Labor Relations Board, argue cases before the Supreme Court of the United States?

Mr. ROBISON. The only one on that list I believe would be Miss Weyand.

Mr. ARENS. Miss Weyand prepared a number of cases and argued them before the Supreme Court of the United States, did she not?

Mr. ROBISON. That is correct.

Mr. ARENS. Was she at any time under the supervision of Nathan Witt?

Mr. ROBISON. No; she was not.

Mr. ARENS. Who was the top lawyer of these names that I have called off while you were at the National Labor Relations Board?

Mr. ROBISON. You mean who achieved the highest position among that group?

Mr. ARENS. Yes. Who among this group had the highest status within the National Labor Relations Board?

Mr. ROBISON. I would assume Mr. Fuchs.

Mr. ARENS. What was your relationship with Mr. Fuchs within the echelons of the Board?

Mr. ROBISON. We were briefly in the Review Section together the first year or so that I was there. After that I had no relationship with him.

Mr. ARENS. Was he your superior or were you superior to him or were you on the same level?

Mr. ROBISON. At first we were on the same level. Subsequently he became a supervisor. But it is my impression that I never worked on a case with him, but I am not sure of that.

Mr. ARENS. Mr. Fuchs testified under oath before this committee some weeks ago that you were one of the original group from the National Labor Relations Board which met as a Communist cell. Was he lying or was he telling the truth?

Mr. ROBISON. I plead the fifth amendment as to that question.

Mr. ARENS. Do you have or have you had relatives who were employed in the Federal Government?

(The witness conferred with his counsel.)

Mr. ROBISON. I had a cousin named Jesse who was in the Federal Government at one time. I may have had 1 or 2 others. I do not believe I have had any close relatives.

Mr. ARENS. Who is Helen F. Robison?

Mr. ROBISON. I am sorry. Helen F. Robison is my wife.

Mr. ARENS. Was she to your knowledge ever a member of the Communist Party?

Mr. ROBISON. No, she was not.

Mr. ARENS. Was she ever under Communist discipline?

Mr. ROBISON. No, she was not.

Mr. ARENS. She worked in the Office of Defense Transportation, did she not?

Mr. ROBISON. Yes.

Mr. ARENS. Who is Gerson Robison?

Mr. ROBISON. I have a brother named Gerson Robison. I have a cousin named Gerson Robison.

Mr. ARENS. You have a brother by the name of Gerson Robison?

Mr. ROBISON. Yes. Is that Gerson B. Robison?

Mr. ARENS. Is that your brother?

Mr. ROBISON. Yes.

Mr. ARENS. Do you know whether he was ever employed in the Federal Government?

Mr. ROBISON. I don't recall that he was ever employed by the Federal Government.

Mr. ARENS. Was he ever in the Military Establishment? Was he in the United States Army Air Force, Eastern Procurement Division, at one time?

Mr. ROBISON. I am trying to remember. Yes, that is right, I think he was in the—was it a school?

Mr. ARENS. I am asking you.

Mr. ROBISON. I know he was in Washington in the public-school system and then he left—

Mr. ARENS. To your knowledge was he ever a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. ROBISON. As to that question, I take the fifth amendment.

Mr. ARENS. In other words, if you told this committee a truthful answer to the question whether or not your brother, Gerson B. Robison, was a member of the Communist Party, you would be giving information which could be used against you in a criminal proceeding; is that correct?

Mr. ROBISON. The same answer.

Mr. ARENS. Is he now a member of the Communist Party?

Mr. ROBISON. The same answer.

Mr. ARENS. Where is he employed at the present time?

Mr. ROBISON. I am sorry. I would like to withdraw the last answer and say to the best of my knowledge he is not.

Mr. ARENS. To the best of your knowledge, he is not now a member of the Communist Party?

Mr. ROBISON. That is right.

Mr. ARENS. Was he a member of the Communist Party at this time last year?

Mr. ROBISON. To the best of my knowledge, he was not.

Mr. ARENS. Was he a member of the Communist Party in 1946 when you assumed your position with the American Jewish Congress?

Mr. ROBISON. I plead the privilege as to that.

Mr. ARENS. Was he a member of the Communist Party in 1953?

(The witness conferred with his counsel.)

Mr. ROBISON. I will plead the privilege as to that.

Mr. ARENS. After what date was he definitely to your knowledge not a member of the Communist Party?

Mr. ROBISON. I will plead the privilege as to that question.

Mr. MOULDER. Do you have any knowledge or information concerning his Communist Party affiliation at any time?

Mr. ROBISON. I will plead the privilege as to that.

Mr. ARENS. Could you tell us, please, sir, what his address is, where he may be located?

(The witness conferred with his counsel.)

Mr. ROBISON. In Mansfield Center, Conn.

Mr. ARENS. In what occupation is he engaged?

Mr. ROBISON. He is on the staff of the University of Connecticut.

Mr. ARENS. In what capacity?

Mr. ROBISON. As a teacher.

Mr. ARENS. What does he teach?

Mr. ROBISON. Mathematics.

Mr. ARENS. Who is Jesse Robison?

Mr. ROBISON. He is my cousin.

Mr. ARENS. Where is he employed?

Mr. ROBISON. I do not know.

Mr. ARENS. Was he at one time employed in the Small War Plants Corporation?

Mr. ROBISON. I know he was employed by the Government. I don't know in what capacity.

Mr. ARENS. To your knowledge was Jesse Robison ever a member of the Communist Party?

Mr. ROBISON. Not to my knowledge. I was not well acquainted with him.

Mr. ARENS. I should say for the purpose of the record that the staff has no information which would lead us to the conclusion as of the present time that Jesse Robison has ever been in the Communist Party and I don't want that question to carry with it any implication that we feel he has been.

Who is Captain Gerson D. Lublin?

Mr. ROBISON. I guess he is a cousin of mine, too, whom I have not seen in at least 30 years.

Mr. ARENS. You have had some contact with him since 30 years ago; have you not?

Mr. ROBISON. No, I don't think I have.

Mr. ARENS. You have used his name since 30 years ago; have you not?

Mr. ROBISON. I certainly don't recall using his name.

Mr. ARENS. You used his name on this application form when you applied for employment with the United States Government, did you not? That was in 1943 or 1944.

Mr. ROBISON. What was the question, sir?

Mr. ARENS. You were having a little difficulty recollecting any contact, association, or reference to your cousin, Gerson D. Lublin, and I was only inviting your attention, for the purpose of refreshing your recollection, to the fact that you had used his name as a person whom you identified as one of your relatives in Government service in 1944.

Mr. ROBISON. Excuse me just a moment. I did not use his name. I was asked what relatives I had in the Government service and I listed his name because I knew he worked for the Government, but I had not seen him in a very long time.

Mr. ARENS. That is precisely what I said. You listed his name. To your knowledge was he ever a member of the Communist Party?

Mr. ROBISON. No; he was not.

Mr. MOULDER. How would you know whether or not he was?

Mr. ROBISON. The question was to my knowledge.

Mr. MOULDER. That is the reason I asked whether you had any knowledge concerning his Communist Party affiliation. You say you haven't had any contact with him for 30 years.

Mr. ROBISON. The question was to my knowledge.

Mr. ARENS. I do not want any implication or conclusion drawn from the question with reference to Capt. Gerson D. Lublin, because the staff as of the moment has no information which would lead us to conclude that he may or may not have been a member of the Communist Party.

Have you ever been connected with the National Lawyers Guild?

Mr. ROBISON. Yes; I have.

Mr. ARENS. When were you a member of the National Lawyers Guild?

Mr. ROBISON. From 1936 to the present.

Mr. ARENS. Have you ever disassociated yourself from the National Lawyers Guild?

Mr. ROBISON. No; I have not.

Mr. ARENS. You know of course that the National Lawyers Guild has been cited by the House Committee on Un-American Activities as an arm of the Communist conspiracy; do you not?

Mr. ROBISON. I know that it has been cited; yes.

Mr. ARENS. Since you have been in it such a long time, could you help this committee by telling us who are some of the Communists in the National Lawyers Guild?

Mr. ROBISON. I have had practically no activity in the National Lawyers Guild except maintaining my membership during the last 9 years, and I am not aware of Communist activity in it at the present time.

Mr. ARENS. Have you ever observed any instance in which the line of the National Lawyers Guild has deviated from the Communist Party line?

(The witness conferred with his counsel.)

Mr. ROBISON. I certainly recall some instances in which it did, yes.

Mr. ARENS. With what chapter of the National Lawyers Guild were you associated?

Mr. ROBISON. I am now associated with the New York chapter and I was associated with the Washington chapter.

Mr. ARENS. When were you associated with the Washington chapter?

Mr. ROBISON. During my stay in Washington, 1937 to 1946.

Mr. ARENS. Did you know a man by the name of Harry N. Rosenfield while you were a member of the National Lawyers Guild?

Mr. ROBISON. I don't recall that Harry Rosenfield was a member of the National Lawyers Guild in Washington, not to my recollection.

I know who Harry N. Rosenfield is. I do not recall his being a member of the National Lawyers Guild.

Mr. ARENS. Can you identify him?

Mr. ROBISON. I don't know what you mean by identify him.

Mr. ARENS. You say you know who he is. Who is he?

Mr. ROBISON. He is an attorney. No. I am not sure he is an attorney. I know for one thing it happens that he was in my class in high school. I know that he is interested in the subject of immigration. I believe he is an attorney, yes.

Mr. ARENS. Was he not a member of the Displaced Persons Commission?

Mr. ROBISON. That may well be, sir.

Mr. ARENS. Was he not also a member or executive director of the so-called Perlman Commission which made a study of the immigration system?

Mr. ROBISON. That may well be.

Mr. ARENS. You have no recollection of an association with him in the National Lawyers Guild in Washington?

Mr. ROBISON. None at all.

Mr. ARENS. Of the persons whose names I have called off to you as your colleagues at the National Labor Relations Board, who were members of the National Lawyers Guild? Do you have a recollection?

Mr. ROBISON. I can't be sure but I would suspect most of them were.

Mr. ARENS. Were most of them identified with the National Lawyers Guild at the same time that they were in the National Labor Relations Board?

Mr. ROBISON. They were members of it at that time, yes.

Mr. ARENS. Can you tell this committee why it is that you cannot talk about any alleged affiliations with the Communist conspiracy prior to the time that you assumed your station with the American Jewish Congress?

(The witness conferred with his counsel.)

Mr. ROBISON. I will plead the fifth amendment to that question.

Mr. ARENS. Now that you have disassociated yourself from that situation, can you tell us on the basis of your present knowledge and present associations, the names of any persons who, to your certain knowledge, are members of the Communist conspiracy?

(The witness conferred with his counsel.)

Mr. ROBISON. I would like to have that question stated more fully.

Mr. ARENS. Would you read that question back to him, please, Mr. Reporter?

(Question read.)

(The witness conferred with his counsel.)

Mr. ROBISON. I do not know of anyone.

Mr. ARENS. Can you at the present time tell us the names of persons who, to your certain knowledge, were at any time members of the Communist conspiracy?

Mr. ROBISON. As to that I plead the fifth amendment.

Mr. ARENS. To your knowledge, did any of the persons whose names I called off to you as colleagues of yours in the National Labor Relations Board ever disassociate themselves from the Communist Party?

Mr. ROBISON. I plead the fifth amendment.

Mr. ARENS. Did you make known to your present employers when you assumed your position that you had at one time been a member of the Communist Party?

Mr. ROBISON. I plead the fifth amendment.

Mr. ARENS. Did you give a complete, full, and accurate account of your past affiliations and associations to your present employer when you assumed that job?

Mr. ROBISON. I plead the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer the question.

Mr. ROBISON. The same answer.

Mr. ARENS. Do you know of anyone associated with you in your present work who, to your knowledge, is or has been a member of the Communist Party?

Mr. ROBISON. No; I do not.

Mr. ARENS. Are you now under Communist discipline?

Mr. ROBISON. No; I am not, and as I have already pointed out, I have not been for 9 years.

The CHAIRMAN. For how many years?

Mr. ROBISON. Since I joined the staff of the American Jewish Congress in 1946.

Mr. ARENS. While you were with the National Labor Relations Board did you in the course of your employment have access to industrial establishments in the country for any purpose whatsoever?

Mr. ROBISON. No, I was in the Washington office. Near the very end of my employment there I did appear at two hearings, but even then I would not have had access to any industrial establishments.

Mr. ARENS. Did any of your colleagues whose names I have called off to you, who were your associates in the National Labor Relations Board, have access in the course of their employment to the industrial establishments of this Nation?

Mr. ROBISON. I would say to the best of my knowledge, no, they were all in the Washington office.

Mr. ARENS. Did you, during the course of your employment in the National Labor Relations Board, have access to "classified" or "restricted" information?

Mr. ROBISON. No, I did not.

Mr. ARENS. Did you at any time during the course of your employment, transmit to a person not authorized by law to receive the same, information which you procured in the course of your employment?

Mr. ROBISON. No; I did not.

Mr. ARENS. Was the transmission of information to persons, not authorized to receive the same, ever discussed in your presence in any group or organization during the period of time while you were employed by the National Labor Relations Board?

Mr. ROBISON. No.

Mr. ARENS. Do you have knowledge or information respecting the transmission to a person, not authorized by law to receive the same, of information of a restricted or classified nature?

Mr. ROBISON. No.

Mr. ARENS. Were you ever the subject of a loyalty investigation?

(The witness conferred with his counsel.)

Mr. ROBISON. I will plead the fifth amendment as to that.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question. It is highly essential that he be compelled to answer that question for the reason that repeatedly we have had witnesses before this committee who have had on their Form 57 a categorical denial of any Communist affiliation. The fact that he may or may not have had a loyalty investigation is very pertinent to the interests of this committee.

The CHAIRMAN. You are directed to answer the question.

Mr. ROBISON. The same answer.

Mr. ARENS. That will conclude, if you please, Mr. Chairman, the interrogation by the staff of this witness.

The CHAIRMAN. Any questions?

The witness is excused.

We will take a 5-minute break.

(Brief recess.)

The CHAIRMAN. Call your next witness.

Mr. ARENS. Mr. Chairman, if you please, the next witness is Mr. Martin Kurasch, K-u-r-a-s-c-h.

The CHAIRMAN. Will you raise your right hand, Mr. Kurasch, please. Do you swear the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KURASCH. I do.

**TESTIMONY OF MARTIN KURASCH, ACCOMPANIED BY COUNSEL,
BERNARD JAFFE**

Mr. ARENS. Will you identify yourself by name, residence, and occupation.

Mr. KURASCH. I thought pictures were not to be taken during the course of the hearing.

The CHAIRMAN. They will not be taken during the course of the hearing. The hearing hasn't started.

Mr. KURASCH. Can they get the pictures and get done with it?

The CHAIRMAN. Proceed please.

Mr. KURASCH. I am Martin Kurasch, 1628 228th Street, New York City. This is Bernard Jaffe, my counsel.

Mr. ARENS. Mr. Jaffe, would you identify yourself a little more fully as to residence?

Mr. JAFFE. Bernard Jaffe, 135 Broadway, New York, N. Y.

Mr. ARENS. With whom are you associated in practice, please?

Mr. JAFFE. I am associated with other lawyers. I am here individually.

Mr. ARENS. Just for the purpose of identification. Are you with a law firm?

Mr. JAFFE. Yes.

Mr. ARENS. The name of the firm, please?

Mr. JAFFE. Axelrod & Jaffe.

Mr. ARENS. Mr. Kurasch, would you kindly give us your present occupation?

Mr. KURASCH. I am a lawyer.

Mr. ARENS. Are you identified with any firm?

Mr. KURASCH. I am employed as counsel to the American Financial and Development Corporation for Israel.

Mr. ARENS. How long have you been so employed?

Mr. KURASCH. Since 1951.

Mr. MOULDER. For what corporation?

Mr. KURASCH. The American Financial and Development Corporation for Israel, Mr. Moulder.

Mr. SCHERER. I still didn't hear it.

Mr. KURASCH. The American Financial and Development Corporation for Israel.

Mr. ARENS. Would you kindly give us a brief description of the corporations? I do not believe the committee is quite sure of the identification.

Mr. KURASCH. It is a bond selling organization engaged in selling bonds of the State of Israel. I am employed as counsel.

Mr. ARENS. How long have you been so employed?

Mr. KURASCH. As I told you just now, since 1951.

Mr. ARENS. Where and when were you born?

Mr. KURASCH. I was born in August 1913 in New York.

Mr. ARENS. Would you kindly give us a thumbnail sketch of your early life prior to the time that you became self-sustaining, a word about your education?

Mr. KURASCH. I was graduated from Rutgers University in 1933 and was graduated from Columbia Law School in 1936.

Mr. ARENS. Are you a member of the bar of New York State?

Mr. KURASCH. Yes; I am.

Mr. ARENS. Kindly trace in skeleton form for us, Mr. Kurasch, your personal employment history from the time that you became an adult or self-sustaining?

Mr. KURASCH. I had several positions after I left law school. I went with the National Labor Relations Board in August of 1937, I believe. I was with the National Labor Relations Board until 1941. I then went with the Rural Electrification Administration.

Mr. ARENS. Was that in 1941?

Mr. KURASCH. Yes; I left in 1943, early 1943 and went with the National War Labor Board. I was with them during the period that it became the National Wage Stabilization Board. That was a change in the name of the agency. I believe that was in the beginning of 1946. Then I think toward the end of 1946—I am not sure of that—I went with the Office of the Housing Expediter. I left sometime in the spring of 1948.

Thereafter I was in the practice of law and then I went with the company I am with now.

Mr. ARENS. Let's revert, if you please, sir, to 1937 when you were first employed by the Federal Government. Could you tell us first of all how you happened to procure your employment with the Federal Government in 1937, with the National Labor Relations Board?

Mr. KURASCH. Mr. Chairman, I would like to interpose an objection to that question if I may, to the committee. The period of time we are talking about is approximately 20 years ago. It is a different period of history. It is a time before the present loyalty program of the Government was instituted.

The CHAIRMAN. This has nothing to do with the loyalty program. This committee is charged with the responsibility of inquiring into attempts which were made to infiltrate this Government, and in order to try to prevent a repetition of that we are making this inquiry with the hope that we can draw legislation which will make it very difficult for Commies to get into the Government. That is our responsibility.

Mr. KURASCH. Mr. Chairman, I understand——

The CHAIRMAN. I don't care about your objections. This is not a court.

Mr. KURASCH. May I state it because I think I have a point. I would like the chairman to listen to me.

The CHAIRMAN. What is the question before the witness?

(The reporter read from his notes as requested.)

The CHAIRMAN. That is very important. We want to know how many people got into the Government whom we have every reason to

believe were Communists when they were employed. I think it is a very important question. Answer it.

Mr. KURASCH. I will be glad to answer it. I applied for employment at various Government agencies. At that time there were many jobs opening. One of the agencies to which I applied was the National Labor Relations Board. I went there and was interviewed by several people. Then I think it was on April 12, 1937, the Supreme Court of the United States upheld the constitutionality of the Wagner Act. At that time the National Labor Relations Board expanded very greatly. A lot of jobs opened. I was one of those employed.

Mr. ARENS. Did you know anyone in the National Labor Relations Board prior to the time that you became employed there?

Mr. KURASCH. I don't recall as of the present moment. I think that Joseph Robison, who just testified, was employed prior to the time I was, and he was a schoolmate of mine. I don't know if there was anyone else that I knew.

Mr. ARENS. Were you and Robison colleagues in the National Labor Relations Board? Did you work there at the same time?

Mr. KURASCH. We were fellow employees, yes.

Mr. ARENS. Did you know him prior to the time you were employed there?

Mr. KURASCH. I said he was a schoolmate of mine.

Mr. ARENS. Was he instrumental in any way in the process of your procuring employment in the National Labor Relations Board?

Mr. KURASCH. No; I don't think he was.

Mr. ARENS. Was Nathan Witt with the National Labor Relations Board during the period of time that you were with the Board?

Mr. KURASCH. Yes, I believe he was. He was at one time an Assistant General Counsel and then I believe he became Secretary.

Mr. ARENS. Who was your immediate superior during the course of the time you were with the National Labor Relations Board?

Mr. KURASCH. I had a great number of immediate superiors. When I first came in there was a very small staff. I am not sure of this, but I think that Nathan Witt was an Assistant General Counsel. Then Thomas Emerson became Assistant General Counsel. He was my immediate supervisor. Then the National Labor Relations Board instituted a number of supervisors. There was one named Rawlings Ragland under whom I worked. I worked under someone named Mortimer Kollender, as I remember.

Mr. ARENS. Did you ever work in the Secretary's office?

Mr. KURASCH. Yes. I went over to what was known as the Order Section some time in 1939.

Mr. ARENS. Did you ever work under Nathan Witt?

Mr. KURASCH. Just let me finish. I went over to the Secretary's office in 1939. At that time I was in the Order Section. Nathan Witt was the Secretary and he was the supervisor at that time.

Mr. ARENS. Were you at one time an Associate General Counsel in the National Labor Relations Board?

Mr. KURASCH. No; I was not.

Mr. ARENS. Were you at one time Associate General Counsel of the Wage Stabilization Board?

Mr. KURASCH. Yes, I was. That was many years later.

(The following members of the committee were present: Representatives Walter, Moulder, and Scherer.)

Mr. ARENS. For the next few moments, if you please, sir, let us confine ourselves to your activities in the National Labor Relations Board. Did you at any time have the assignment of formulating recommendations to the Board and preparing the Board's decisions?

Mr. KURASCH. Mr. Chairman, if I may again say, this has nothing to do with getting employment with the National Labor Relations Board.

Mr. ARENS. We have covered that.

The CHAIRMAN. We are moving into something else now.

Mr. KURASCH. I know, but we are in a stage now 20 years ago and the functioning and work that I did 20 years ago seems to me hardly relevant to any present legislative inquiry.

The CHAIRMAN. It may not seem to be relevant to you, but it is relevant and you are directed to answer the question.

Mr. KURASCH. Will you repeat the question, please?

Mr. ARENS. Did you during the course of your employment with the National Labor Relations Board have as part of your duties the formulation of recommendations to the Board and the preparation of Board decisions?

Mr. KURASCH. Mr. Chairman, I don't want to interpose another objection, but I find it distracting for counsel to walk up and down beside me speaking in a loud voice. We are sitting at a small table. I can hear him.

Mr. ARENS. I apologize if I have been at all discourteous or offensive. May I repeat the question: Did you at any time while you were with the National Labor Relations Board have as part of your duties the preparation of Board decisions and the formulation of recommendations to the Board?

Mr. KURASCH. The only way, which you may have in mind, is my work as review attorney which I did in 1937-39, 19 to 17 years ago. At that time the function of a review attorney, as I recall it, was to analyze records, to prepare material on the analysis of the records, to go over it with the supervisor, and then to report the material to the National Labor Relations Board, which consisted of a board of three. The Board discussed it and made a decision and first drafts of the decision were written by the review attorneys. I was one of the review attorneys.

Mr. ARENS. Did you formulate recommendations to the Board?

Mr. KURASCH. No; I don't think the review attorneys formulated recommendations as such. The reports were supposed to be factual reports on the record.

Mr. ARENS. I lay before you now, Mr. Kurasch, a photostatic copy of a document entitled "Application for Federal Employment," and invite your attention to the last page thereof where a signature appears and ask you if you can identify that signature.

Mr. KURASCH. May I read the document, please?

(Witness conferred with his counsel.)

Mr. ARENS. Would you be disposed to see whether or not you can identify the signature first, and later we will talk about the document.

Mr. KURASCH. Mr. Chairman, the document has been inaccurately described. It has nothing to do with the National Labor Relations Board. I have no objection to looking at my signature but it is not the document described by counsel.

Mr. ARENS. May I perhaps redescribe it. It is a document entitled "Application for Federal Employment" form approved by the Bureau of the Budget, No. 50-R046, on which a signature appears at the end of the document. I am asking you if you can identify that signature.

Mr. KURASCH. I thought it referred to the National Labor Relations Board. It doesn't. That looks like my signature.

Mr. ARENS. In this document on which a signature appears which you have stated looks like your signature, there is language respecting duties of a review attorney, in which it is stated as a description of the work—

Review an analysis of records of hearing of cases before National Labor Relations Board, formulation of recommendations to Board, and preparation of Board decisions.

May I invite your attention to that language and ask you if that is language which you inserted in a form in applying for employment with the Federal Government?

(The witness conferred with his counsel.)

Mr. KURASCH. I suppose I did insert it. I don't recall it.

Mr. ARENS. Is the language which I have read a truthful and accurate representation of the duties which you had while you were with the National Labor Relations Board in the capacity of a review attorney?

Mr. KURASCH. When a review attorney reported the case, he reported the case to a supervisor. The supervisor would go over the record with the review attorney. They would analyze the facts and prepare it for presentation to the Board. The review attorney and the supervisor went in to the Board, which consisted of 3 people—the Chairman at that time was J. Warren Madden, and I think there were the 2 Smiths, Donald Wakefield Smith and Edwin S. Smith, as Board members. Reports were made to them and the case was discussed among the five that I mentioned. The Board would make the decision on the basis of the discussion which was held.

Mr. ARENS. Is this language which I have read to you a truthful and accurate summary of the facts, that you did formulate recommendations to the Board and prepare Board decisions? Is that truthful?

Mr. KURASCH. If the review attorney was respected by the Board his opinion was asked just as was the opinion of the supervisor. He was a part of the discussion. So in that sense it was accurate.

Mr. ARENS. Did you thereafter have the position of legal assistant to the Secretary of the National Labor Relations Board?

Mr. KURASCH. That was a position which I described before in the Order Section.

Mr. ARENS. Just answer whether or not you had that position.

Mr. KURASCH. Yes; I had that position.

Mr. ARENS. Who was the Secretary to whom you were legal assistant in the National Labor Relations Board?

Mr. KURASCH. The Secretary was Nathan Witt. Let me explain something, though, because of the reference which has been made to me before in the Chicago hearings. There was an assistant secretary to the Board whose name I believe was Beatrice Stern. There was an administrative assistant to the secretary whose name I believe was Estelle Frankfurter. There was a group of professional employees

working in the secretary's office. Of that group of professional employees working in the Secretary's office I believe I was the youngest, being about 25 at the time. I also believe that I was the lowest paid. So the references to me as a sinister aid to the Secretary which appeared at the Chicago hearings I think are hardly accurate.

Mr. ARENS. Were there any other references to you which were inaccurate in the Chicago hearings which you would like to protest at this time?

Mr. KURASCH. I prefer not to answer that question, sir.

The CHAIRMAN. Do you answer the question?

Mr. KURASCH. What is that?

The CHAIRMAN. Aren't you listening? You said "I prefer not to answer the question," and I said "Do you answer the question?"

Mr. KURASCH. No; I do not answer the question.

Mr. ARENS. On what grounds?

(The witness conferred with his counsel.)

Mr. KURASCH. On that question I claim my privilege, sir.

Mr. ARENS. In other words, if you told this committee the truth——

The CHAIRMAN. Just a moment. I direct you to answer the question.

Mr. KURASCH. The question as I understand it was a general question, were there any references to me or about me at the Chicago hearing which were inaccurate? My answer to that question is that I claim my privilege not to answer because of the privilege given to people not to testify against themselves.

Mr. ARENS. Mr. Chairman, I respectfully suggest this record may be cleared by reference to what actually transpired. The witness said in effect that sinister references were made to him by Mr. Fuchs in Chicago.

Mr. KURASCH. No.

Mr. ARENS. And he protested those.

Mr. KURASCH. I did not make such reference. One of the——

The CHAIRMAN. Just a moment. Ask him some direct questions, Maybe you can refresh his recollection.

Mr. ARENS. Mr. Kurasch, you protested a few moments ago to "sinister" references which were made to you in Chicago, is that correct?

Mr. KURASCH. Let me clarify that. I believe that at the Chicago hearing one of the committee members, I don't recall which one, referred to me as the Assistant Secretary of the National Labor Relations Board.

The CHAIRMAN. What is sinister about that?

Mr. KURASCH. The reference was made in a way which I considered sinister.

The CHAIRMAN. What is sinister about being an Assistant Secretary of the National Labor Relations Board?

Mr. KURASCH. There is nothing sinister about that, sir.

The CHAIRMAN. That is just what you are telling us. Was there anything sinister about your actions while you were connected with the National Labor Relations Board; for example, were you a member of the Communist Party?

Mr. KURASCH. On that question I claim my privilege.

Mr. ARENS. While you were with the National Labor Relations Board did you have occasion to supervise as a regional attorney some

seven attorneys in enforcement work and participate in the trial of cases under the National Labor Relations Act?

Mr. KURASCH. No; but I think you are mixed up on employment. I think what you are trying to describe is my employment as regional attorney with the War Labor Board.

Mr. ARENS. Let's get the date accurate here, please, sir. When did you disassociate yourself from the National Labor Relations Board?

Mr. KURASCH. 1941.

Mr. AHRENS. We will stay within that date, then.

While you were with the National Labor Relations Board did you have as one of your associates or colleagues a man by the name of Allan R. Rosenberg?

Mr. KURASCH. He was one of the employees of the Board; yes.

Mr. ARENS. In what capacity did he work?

Mr. KURASCH. As best I recall, he was in the review division, but I am not sure. Then I think he was one of the professional assistants to the Secretary.

Mr. ARENS. Did you know Joseph B. Robison there?

Mr. KURASCH. Yes; I did.

Mr. ARENS. Was he one of your colleagues in the work?

Mr. KURASCH. He was one of my colleagues and friends; yes.

Mr. ARENS. I should like to read you the names of a number of people, please, Mr. Kurasch, and then I will ask you the general question as to whether or not each and every one of those persons were associated with you in the National Labor Relations Board.

Lester Asher.

Mr. KURASCH. Yes.

Mr. ARENS. David Rein.

Mr. KURASCH. He was one of my associates; yes.

Mr. ARENS. Woodrow Sandler.

Mr. KURASCH. Yes.

Mr. ARENS. Jacob H. Krug.

Mr. KURASCH. Yes.

Mr. ARENS. Mortimer Riemer.

Mr. KURASCH. He was a trial examiner, yes.

Mr. ARENS. John W. Porter.

Mr. KURASCH. I believe he was with the National Labor Relations Board, but whether he was there at the time that I was, I don't remember.

Mr. ARENS. Was he a lawyer?

Mr. KURASCH. He was a lawyer, yes.

Mr. ARENS. Margaret B. Porter.

Mr. KURASCH. Yes.

Mr. ARENS. Ruth Weyand.

Mr. KURASCH. Yes.

Mr. ARENS. Allen Heald.

Mr. KURASCH. Yes.

Mr. ARENS. Harry Cooper.

Mr. KURASCH. Yes; I believe he was a review attorney.

Mr. ARENS. Edward Scheunemann.

Mr. KURASCH. I know he was with the National Labor Relations Board. Whether he was there at the time I was there, I don't know.

Mr. ARENS. Bertram Diamond.

Mr. KURASCH. Yes.

Mr. ARENS. Herbert Fuchs.

Mr. KURASCH. Yes.

Mr. ARENS. Each one of those persons concerning whom you have given affirmative response was connected in a legal capacity at the National Labor Relations Board while you were there; is that correct?

Mr. KURASCH. Yes. I don't know whether you call a trial examiner legal capacity.

Mr. ARENS. They were all lawyers; is that correct?

Mr. KURASCH. I think we understand each other.

Mr. ARENS. During the course of your employment with the National Labor Relations Board did you try cases in court?

Mr. KURASCH. No.

Mr. ARENS. Did you work on any briefs for presentation in court?

Mr. KURASCH. Sometimes when you were a review attorney you helped the briefing attorney on particular cases. I recall specific instances where I did that also.

Mr. ARENS. Did you, as an attorney in the National Labor Relations Board, get around over the country or was your work largely confined to Washington?

Mr. KURASCH. With the National Labor Relations Board my work was largely confined to Washington.

Mr. ARENS. The policy of the National Labor Relations Board as enunciated and developed in the legal department precluded a certification by the National Labor Relations Board of a company union, did it not?

Mr. KURASCH. Yes. There was a section of the National Labor Relations Act which dealt with that, section 8 (2) of the Wagner Act.

Mr. ARENS. Section 8 (2) of the Wagner Act precluded the certification of a company union as a bargaining agent for the reason that the company union would not be a free representative of the employees; isn't that correct? That was the theory underlying the policy; was it not?

Mr. KURASCH. Well, yes; I suppose so. It is a loose statement of it. The theory was that the employer should not interfere with the collective bargaining efforts of the employees. Labor organizations within the meaning of section 8 (2) would be one in which there was such employer interference.

Mr. ARENS. In other words, if the employer took over or controlled a labor organization, that labor organization would not be certified for bargaining purposes by the National Labor Relations Board because it was not an agency of the workers. It was controlled by a foreign entity, isn't that correct?

Mr. KURASCH. I don't understand the difference between that and the previous question. Perhaps we had better have it read.

(Question read by the reporter.)

Mr. ARENS. That is the essence or theory of the law, is it not?

Mr. KURASCH. It had nothing to do with certification as such. An employee or labor organization could bring an unfair-labor-practice case. That was on the unfair-labor-practice side of the Board's work. If there was an unfair-labor-practice charge brought and sustained under section 8 (2) as I recall it—it was a good many years ago—the Board ordered that organization to disestablish itself. I don't remem-

ber exactly how the wording of the order was. But that was the sense of it.

Mr. ARENS. The theory underlying that was that the agency which represented itself as a bona fide labor union was not in truth and in fact a labor union, but was an employer-controlled entity; isn't that correct?

Mr. KURASCH. Substantially I would say that that was correct, although that was a part of the law and I can't speak for the theory of the law.

Mr. ARENS. That was the policy enunciated by the National Labor Relations Board in interpreting what is a labor organization; isn't that correct?

Mr. KURASCH. That was the law as set out in the Wagner Act.

Mr. ARENS. During the course of your associations, activities, and work with the National Labor Relations Board, what was the policy with respect to the certification or decertification of an organization which masqueraded as a bona fide labor organization but which in truth and in fact was controlled by the Communist Party?

Mr. KURASCH. That is a very compound question. Can I have it read again, please?

(Question read by the reporter.)

Mr. KURASCH. I remember nothing in the Wagner Act which would cover that point.

Mr. ARENS. To your knowledge was any organization which was controlled by the Communist Party ever decertified by the National Labor Relations Board on the same legal theory which they decertified the company-controlled unions?

Mr. KURASCH. No; but there was no law affecting that. There was a law affecting company-dominated unions.

Mr. KEARNEY. But there wasn't any law affecting Communist control of unions?

Mr. KURASCH. No. The Wagner Act had no mention of that and it did not become an issue in the Board cases as I recall them.

Mr. ARENS. While you were with the National Labor Relations Board did you at any time become associated with the people whose names I have called off to you as fellow members in any organization, group or association other than the work which you were assigned to do?

(The witness conferred with his counsel.)

Mr. KURASCH. Can you specify more clearly?

Mr. ARENS. We will try it again.

Did you at any time while in the National Labor Relations Board in concert with the individuals I have mentioned, ever engage in any activity other than the activity to which you were assigned in the course of your employment?

Mr. KURASCH. I engaged in social activity. I don't know what the question means.

Mr. ARENS. Were you engaged in social activities with the individuals we have been discussing?

Mr. KURASCH. They were my friends, sure.

Mr. ARENS. That is fine. Did you ever belong to any clubs with any of them?

Mr. KURASCH. I don't see how that is germane, Mr. Chairman.

Mr. ARENS. I think you know whether or not it is germane. Did you ever belong to the Communist Party with any of them?

Mr. KURASCH. Now you are asking a question which is specific. On that question I claim my privilege under the fifth amendment.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact that you were engaged with them in a foreign-controlled conspiracy.

Mr. KURASCH. That is the same question as the previous question, I suppose. I claim my privilege.

Mr. ARENS. Do you make any distinction between the Communist Party and the foreign-controlled conspiracy?

Mr. KURASCH. I claim the same privilege, Mr. Chairman.

Mr. ARENS. Were you a member of the National Lawyers Guild?

Mr. KURASCH. Yes; I was.

Mr. ARENS. Over what period of time?

Mr. KURASCH. I don't remember when I became a member. I assume it was 1937 and I have remained a member up to the present time.

Mr. ARENS. You are now a member of the National Lawyers Guild?

Mr. KURASCH. Yes; I am.

Mr. ARENS. What offices have you held in the National Lawyers Guild?

Mr. KURASCH. Offices?

Mr. ARENS. Yes, sir.

Mr. KURASCH. I don't recall any offices. I have been on committees on occasion.

Mr. ARENS. Were most of the persons, whose names I called off to you, also identified with the National Lawyers Guild?

Mr. KURASCH. Yes; when I was in Washington.

Mr. ARENS. Didn't you at one time occupy the post of executive secretary of the National Lawyers Guild in Washington?

Mr. KURASCH. Executive secretary?

Mr. ARENS. Yes.

Mr. KURASCH. I don't recall any such thing.

Mr. ARENS. During the course of your employment with the National Labor Relations Board if an employer refused to bargain with a Communist-controlled entity on the ground that it was not a bona fide labor organization, would he be subjected to discipline because he would be alleged to be engaged in an unfair labor practice?

Mr. KURASCH. I am sorry. I don't understand it.

Mr. ARENS. Let's start again.

While you were with the National Labor Relations Board, did you know of any instance in which an employer refused to bargain with an organization, ostensibly a labor organization, but in truth and in fact a Communist-controlled organization?

Mr. KURASCH. I don't recall any such incident.

Mr. ARENS. Do you recall any instance in which an organization was decertified because it was found to be a Communist-controlled organization?

Mr. KURASCH. During my period of service with the National Labor Relations Board there was no process of decertification. I think that was a much later innovation.

Mr. ARENS. No process of decertification against any organization on the ground that it was not in truth and in fact a labor organization, but was in truth and in fact a Communist-controlled entity?

Mr. KURASCH. There was no process of decertification whatsoever.

Mr. ARENS. Against any labor organization?

Mr. KURASCH. No process of decertification.

Mr. ARENS. Were there processes of decertification against company controlled labor organizations?

Mr. KURASCH. There was no certification of any company-controlled organizations. I don't know any process of decertification.

Mr. ARENS. Were there certifications of organizations which were Communist controlled?

Mr. KURASCH. Say that over. Were there certifications?

Mr. ARENS. Were there certifications of organizations which were Communist controlled?

Mr. KURASCH. That was never an issue before the National Labor Relations Board.

Mr. ARENS. Was it ever discussed by you with any of the persons I named on the list of your colleagues?

(The witness conferred with his counsel.)

Mr. KURASCH. I don't recall any discussions.

Mr. ARENS. During the course of your employment with the National Labor Relations Board did you at any time transmit to a person, not authorized by law to receive the same, information which you acquired in the course of your employment?

Mr. KURASCH. If you would sit down and speak in a quieter voice I would really be able to understand you much better. It is very distracting. We are very close together.

Mr. ARENS. Did you at any time during the course of your employment with the National Labor Relations Board transmit to any person, not authorized by law to receive the same, information which you acquired during the course of your employment?

Mr. KURASCH. No.

Mr. ARENS. Do you know of the transmission of any such information?

Mr. KURASCH. No.

(The following members of the committee were present: Representatives Walter, Moulder, Kearney, and Scherer.)

Mr. ARENS. I lay before you again, please, Mr. Kurasch, the document containing the signature on which you have heretofore identified in this record as your own signature. I invite your attention specifically, if I may, please, to question No. 26, which I shall read to you:

Do you advocate or have you ever advocated, or are you now or have you ever been a member of any organization that advocates the overthrow of the Government of the United States by force and violence?

If your answer is "Yes," give complete details in item 38.

Opposite Question No. 26 on this form to which your signature is appended, is "X" under the column "No." Did you affix that "X" in that column?

(The witness conferred with his counsel.)

Mr. KURASCH. On that question I claim my privilege not to answer, Mr. Chairman.

Mr. ARENS. Were you as of the date on which your signature appears on this form, October 24, 1946, a member of the Communist conspiracy?

Mr. KURASCH. On that question I claim my privilege.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. KURASCH. On that question I claim my privilege and I remind the chairman and the members of the committee that inferences are not to be drawn from claims of privilege.

The CHAIRMAN. I will draw any inference I please from that.

Mr. KURASCH. I mean no discourtesy, sir.

The CHAIRMAN. You just told me not to draw any inferences from the fact that you would not answer a question because you invoked the fifth amendment, so I say to you that I will draw whatever inferences I please.

Mr. KURASCH. I said I meant no discourtesy.

Mr. ARENS. May we proceed to your employment with the Rural Electrification Administration beginning in 1941.

The CHAIRMAN. Before you go into that—it seems to me that around 1941 there was an investigation of the National Labor Relations Board as the result of a resolution introduced by Judge Smith. Do you remember that investigation?

Mr. KURASCH. There was a Smith committee investigation, I remember vaguely, yes.

The CHAIRMAN. Yes. Do you remember who testified before that committee?

Mr. KURASCH. No.

The CHAIRMAN. Did you?

Mr. KURASCH. No.

The CHAIRMAN. At the time of that investigation were you a member of the Communist Party?

Mr. KURASCH. On that question I claim my privilege, sir.

The CHAIRMAN. Ask him about those other employees of the Board.

Mr. ARENS. At the time of the investigation by the Smith committee, were the persons whose names I called off to you, employed in the National Labor Relations Board, namely, Rosenberg, Robison, Asher, Rein, Sandler, Krug, Riemer, Porter, Weyand, Heald, Cooper, Scheunemann, Diamond, and Fuchs, and whose names I have previously read into this record?

Mr. KURASCH. I think I have answered already that they were employed, as I remember the list, but I don't know whether they were employed at the specific time of the investigation.

The CHAIRMAN. Isn't it a fact that every one of those individuals was a member of the Communist Party, the Communist conspiracy?

Mr. KURASCH. I think that assumes knowledge on my part as to which I claim my privilege. I claim my privilege to that question.

Mr. ARENS. What caused your disassociation from the National Labor Relations Board?

Mr. KURASCH. I went over to the Rural Electrification Administration.

Mr. ARENS. Did you do so under directions, orders, or suggestions by any person known by you to be in the Communist Party?

Mr. KURASCH. No.

Mr. ARENS. Did you know any person in the REA prior to the time that you assumed your position over there?

Mr. KURASCH. I may have. I probably did.

Mr. ARENS. Did you know any person in the REA at that time who was, to your certain knowledge, a member of the Communist Party?

Mr. KURASCH. On questions relating to my knowledge of people in the Communist Party, I claim my privilege. I claim my privilege to that question.

Mr. ARENS. Was your employment in the Department of Agriculture precipitated or facilitated by any person known by you to be a member of the Communist Party?

Mr. KURASCH. Not to my knowledge.

Mr. ARENS. Can you tell us the names of any persons who to your certain knowledge were members of the Communist Party while you were in the Department of Agriculture?

Mr. KURASCH. What was the verb there? Can I tell you the names?

Mr. ARENS. Yes.

Mr. KURASCH. On that I claim my privilege.

Mr. ARENS. While you were in the Department of Agriculture were you for a while an Assistant Chief of the Operations Unit, in the Office of the Solicitor?

Mr. KURASCH. Yes.

Mr. ARENS. During the course of that assignment were you in charge of a number of people in labor relations operations?

Mr. KURASCH. I believe that that was one of the functions of the Operations Unit at that time.

Mr. ARENS. Who was your immediate superior?

Mr. KURASCH. As I recall, it was Lawrence Potamkin.

Mr. ARENS. Was he to your knowledge affiliated in any way with the Communist conspiracy?

Mr. KURASCH. I claim my privilege with respect to persons.

Mr. ARENS. During the course of your work in the Department of Agriculture, did you transmit to any person unauthorized by law to receive the same, information which you acquired in the course of your employment?

Mr. KURASCH. No.

Mr. ARENS. Did you in the course of your employment in the Department of Agriculture meet with your fellow employees in any organization or association outside of your employment?

Mr. KURASCH. To these broad questions the only thing I can do is claim my privilege, sir.

Mr. ARENS. Did you meet with them in any clubs, groups or social organizations?

Mr. KURASCH. I met with them socially. I don't know about social organizations.

Mr. ARENS. Will you tell us of any other way in which you may have met with them?

Mr. KURASCH. I claim my privilege on that question.

Mr. ARENS. With how many people were you engaged in social activities who were your fellow employees in the Department of Agriculture?

Mr. KURASCH. What was that question?

Mr. ARENS. How many of them did you meet in social organizations or social clubs?

Mr. KURASCH. I didn't say anything about social organizations or social clubs.

Mr. ARENS. Social activities, socially.

Mr. KURASCH. I know many people; I have many friends. I have developed many friends over a good number of years. I am a social kind of person. I have met many people as friends. Is that what you mean?

Mr. ARENS. No. I mean with how many of them did you engage in Communist Party activities?

Mr. KURASCH. You didn't say that is what you meant. On that question I claim my privilege.

Mr. KEARNEY. I didn't get the witness' answer on that.

Mr. ARENS. I claim my privilege to the last question.

Mr. KEARNEY. You understood the question?

Mr. KURASCH. I think I did.

Mr. KEARNEY. I understood your answer.

Mr. ARENS. Let us move on, if you please, to your activities in the National War Labor Board and in the Wage Stabilization Board. Was your transfer to these agencies of the Federal Government occasioned directly or indirectly to your knowledge by any person known by you to have been a member of the Communist Party?

Mr. KURASCH. No, not to my knowledge.

Mr. ARENS. Give us a brief description of your duties when you were Associate General Counsel in the Wage Stabilization Board.

Mr. KURASCH. My duties were primarily related to enforcement of the wage controls. I also assisted the Associate General Counsel and at times the General Counsel.

Mr. ARENS. Did you participate in the formulation of the policies and procedures to be followed by the enforcement officials in the regional offices of the Board?

Mr. KURASCH. Yes, I did.

Mr. ARENS. How many regional offices were there?

Mr. KURASCH. I think there were 12.

Mr. ARENS. In the course of your work did you travel over the United States?

Mr. KURASCH. I traveled to several of the offices, yes.

Mr. ARENS. Did you have access to the industrial establishments of this Nation?

Mr. KURASCH. I don't think I visited any in the course of my work.

Mr. ARENS. Did you go to Denver?

Mr. KURASCH. Yes, I worked in Denver.

Mr. ARENS. Did you know a man by the name of Fuchs while you were in Denver?

Mr. KURASCH. Yes, I did.

Mr. ARENS. What was the nature of your acquaintanceship with Mr. Fuchs?

Mr. KURASCH. He was my friend at the time.

Mr. ARENS. Was that Herbert Fuchs?

Mr. KURASCH. That was Herbert Fuchs.

Mr. ARENS. Have you and he parted company since then? You said that he was your friend at the time?

Mr. KURASCH. I haven't seen him for a good number of years.

Mr. ARENS. Can you tell us any activities in which you and Fuchs may have been engaged other than any activities strictly in conformity with your work in Denver?

Mr. SCHERER. May I interrupt, Mr. Chairman.

The CHAIRMAN. Let him answer the question and then proceed. Answer the question.

Mr. KURASCH. I claim my privilege on that question.

The CHAIRMAN. Go ahead, Mr. Scherer.

Mr. SCHERER. You said that Herbert Fuchs was your friend while you were in Denver. Earlier in your testimony you referred to the testimony given at the hearing in Chicago in December of last year. Did you read that testimony, Witness?

Mr. KURASCH. Some of it, yes.

Mr. SCHERER. Did you read the testimony of Herbert Fuchs?

Mr. KURASCH. Some of it.

Mr. SCHERER. Was anything that Herbert Fuchs said about you in that testimony true?

Mr. KURASCH. I believe that question was asked me, Mr. Scherer, and I claim my privilege to that question.

Mr. SCHERER. When it was testified to in Chicago that you were one of the organizers of Communist cells within the National Labor Relations Board, was that testimony true or false?

Mr. KURASCH. On that question I claim my privilege.

Mr. SCHERER. You indicated earlier in your testimony that some statement or some testimony given at the Chicago hearing was inaccurate, did you not?

Mr. KURASCH. I didn't, sir. I didn't say whether it was accurate or inaccurate.

Mr. SCHERER. What did you say?

Mr. KURASCH. I said the reference made by one of the committee members to me as an Assistant Secretary of the National Labor Relations Board was not precise.

Mr. SCHERER. Not precise. Was any of the testimony about you given at the Chicago hearing which you read untrue?

Mr. KURASCH. I claim my privilege on that question.

Mr. ARENS. When you were with the National War Labor Board, Denver regional office, did you know a person by the name of Philip Reno?

Mr. KURASCH. Yes. He was an employee of the Board.

Mr. ARENS. Do you know whether or not he was a member of the Communist conspiracy?

Mr. KURASCH. On that question I claim my privilege.

Mr. ARENS. Did you know a person by the name of John W. Porter?

Mr. KURASCH. Mr. Arens, if you go through the list, I have told you that with respect to my knowledge of Communist affiliations—

Mr. ARENS. Let us find whether or not you knew they were in Denver. That might at least corroborate testimony on this record by other witnesses. Do you know a person by the name of John W. Porter?

Mr. KURASCH. Yes, I knew him. I knew a person by the name of John W. Porter.

Mr. ARENS. Was he employed in the National War Labor Board Denver regional offices?

Mr. KURASCH. He was an employee of the Board, yes.

Mr. ARENS. In what capacity?

Mr. KURASCH. As an attorney.

Mr. ARENS. Margaret Bennett Porter?

Mr. KURASCH. No. I don't believe she was employed at the time.

Mr. ARENS. Was she employed at any time by the National Labor Relations Board?

Mr. KURASCH. Yes, but we were talking about the regional War Labor Board. She was the wife of John W. Porter. She was not employed in Denver to my recollection.

Mr. ARENS. Did you know a person by the name of Gerald J. Matchett at the Denver regional office?

Mr. KURASCH. I believe he was an employee of the Board, yes.

Mr. ARENS. Do you know whether or not he was a member of the Communist conspiracy?

Mr. KURASCH. On that question I claim my privilege.

Mr. ARENS. Did you know a person by the name of Edward Scheunemann at the Denver office?

Mr. KURASCH. I knew a person by the name of Edward Scheunemann. To my recollection he was not an employee of the Denver office of the War Labor Board.

Mr. ARENS. Where was he employed?

Mr. KURASCH. In town, but I don't know whether he was with the War Labor Board.

Mr. ARENS. In what capacity was he employed?

Mr. KURASCH. He was a lawyer.

Mr. ARENS. Did he at any time have anything to do with the National War Labor Board?

Mr. KURASCH. I don't recall his employment. He may have been.

Mr. ARENS. You knew him in the National Labor Relations Board?

Mr. KURASCH. As I said, I knew him in Washington. I don't know whether he was with the National Labor Relations Board at the time that I was there.

Mr. ARENS. How did you happen to know him?

Mr. KURASCH. I don't remember.

Mr. ARENS. Was he a member of the Communist conspiracy?

Mr. KURASCH. On that question I claim my privilege.

Mr. ARENS. Raymond LaVallee, L-a-V-a-l-l-e-e.

Mr. KURASCH. He was an employee of the War Labor Board to the best of my knowledge.

Mr. ARENS. In Denver?

Mr. KURASCH. In Denver.

Mr. ARENS. Was he a member of the Communist conspiracy?

Mr. KURASCH. On that question I claim my privilege.

Mr. ARENS. Dwight Spencer, S-p-e-n-c-e-r.

Mr. KURASCH. He was an employee of the War Labor Board.

Mr. ARENS. At Denver?

Mr. KURASCH. At Denver.

Mr. ARENS. Was he a member of the Communist conspiracy?

Mr. KURASCH. On that question I claim my privilege.

Mr. ARENS. Don Plumb, P-l-u-m-b.

Mr. KURASCH. I knew Don Plumb; yes.

Mr. ARENS. Was he in the War Labor Board in Denver?

Mr. KURASCH. No.

Mr. ARENS. Was he in the National Labor Relations Board?

Mr. KURASCH. No.

Mr. ARENS. How did you know him?

Mr. KURASCH. I met him socially.

Mr. ARENS. Is that the only way in which you knew him?

Mr. KURASCH. On that question I claim my privilege.

Mr. ARENS. Arlyne Plumb—was she the wife of Don Plumb?

Mr. KURASCH. She was his wife.

Mr. ARENS. Did you know her in the same manner that you knew Don Plumb?

Mr. KURASCH. No. I think she was an employee of the War Labor Board.

Mr. ARENS. At Denver?

Mr. KURASCH. At Denver.

Mr. ARENS. Was she a member of the Communist conspiracy?

Mr. KURASCH. On that question I claim my privilege.

Mr. ARENS. Herbert Fuchs you have already identified.

What caused your transfer to the Office of the Housing Expediter?

Mr. KURASCH. I applied for the change.

Mr. ARENS. Was this transfer or new status caused directly or indirectly to your knowledge by any person known by you to have been in the Communist conspiracy?

Mr. KURASCH. No.

Mr. ARENS. Tell us the name of your immediate supervisor in the Office of the Housing Expediter?

Mr. KURASCH. When I first went there there was a man whose name I don't recall. Later there was a man named Richard Alger. If you could refresh my recollection on the first name I might be able to help.

Mr. ARENS. No. I am going to have to depend on your recollection on that, Mr. Kurasch.

Mr. KURASCH. Then at one time I was supervised by a man named Glen Beyer. I am not sure of the spelling but I think it is B-e-y-e-r.

Mr. ARENS. Just a thumbnail sketch of your duties in the Office of the Housing Expediter, please.

Mr. KURASCH. This was the Industrial Housing Division. These are not legal duties. The title of the position I think was financial assistant specialist. The duties were largely those of expediter, of trying to help industrialized housing firms get started and of trying to help firms which had new products in the housing field to get started. They were guaranteed contracts which the Government program called for at that time.

Mr. ARENS. Pardon the interruption. What discretion did you have in the course of your employment to determine which of several applicants would be the recipient of a contract—a Federal grant?

Mr. KURASCH. We were assigned to specific applicants. We went around to try to help them as much as we could.

Mr. ARENS. To your knowledge have you ever been the subject of a loyalty investigation while you were in the employ of the Federal Government.

Mr. KURASCH. I don't recall any loyalty investigation as such. I suppose there were checks made at various times. There was no loyalty hearing as such that I remember.

Mr. ARENS. Did you ever receive what they call interrogatories with reference to your loyalty?

(The witness conferred with his counsel.)

Mr. KURASCH. I don't recall that. I may have because I know there were a lot of papers.

Mr. ARENS. Were you ever interrogated orally in any formal proceeding respecting your loyalty?

Mr. KURASCH. No, not in any formal proceeding. I believe at one time in the Department of Agriculture someone came around from the Department and asked questions.

Mr. ARENS. From what department did he come, the Department of Agriculture?

Mr. KURASCH. I think so, but I am not sure.

Mr. ARENS. Did you at any time know a man by the name of Dombrowski while you were in the Agriculture Department?

Mr. KURASCH. Who?

Mr. ARENS. Dombrowski.

Mr. KURASCH. No, not that I recall.

Mr. ARENS. Did you ever engage in any activities in connection with the Southern Conference for Human Welfare?

Mr. KURASCH. Not that I recall.

Mr. ARENS. Southern Conference Educational Fund?

(The witness conferred with his counsel.)

Mr. KURASCH. I don't recall.

Mr. ARENS. What caused your disassociation from the Federal Government, which I understand from your testimony occurred in 1948?

Mr. KURASCH. The industrialized housing program was coming to an end.

Mr. ARENS. Were you discharged or did you resign?

Mr. KURASCH. I resigned, but the industrialized housing section announced its intended demise.

Mr. ARENS. You all had permanent civil-service status, didn't you?

Mr. KURASCH. Yes.

Mr. ARENS. What caused you to seek your livelihood elsewhere if you had permanent civil-service status?

Mr. KURASCH. Mr. Chairman, isn't this inquiring into my private affairs which really is of no help to your legislative purpose? I don't mind answering the question, but I think we are really going into an entire fishing expedition.

Mr. ARENS. The purpose of the question, Mr. Chairman——

Mr. KURASCH. Let me finish.

Mr. ARENS. Excuse me.

Mr. KURASCH. I think the reason——

The CHAIRMAN. This is not a fishing expedition. We are very curious to know a lot about you. We believe that there are four agencies of Government which have not been mentioned in which there were Communist cells and about which you know much. Do you know anything about any Communist Party cells in agencies of the Government which have not been divulged thus far?

Mr. KURASCH. That question I claim my privilege on, Mr. Chairman.

Mr. ARENS. Tell us again, to revert to the question which is outstanding, what caused your disassociation from the Federal Government?

Mr. KURASCH. The agency I was with was coming to an end and I didn't see any better job in sight.

Mr. ARENS. What was your salary at the time that you resigned or disassociated yourself?

Mr. KURASCH. I don't recall exactly. Do you have it there?

Mr. ARENS. What is your best recollection as to approximately how much you were making?

Mr. KURASCH. Somewhere in the \$8,000 bracket.

The CHAIRMAN. You were classified as an expert? What was it?

Mr. KURASCH. At the Industrial Housing Division?

The CHAIRMAN. Yes.

Mr. KURASCH. I think the title was financial assistant specialist. I don't remember.

The CHAIRMAN. Financial assistant specialist. What financial experience had you had? You were a lawyer.

Mr. KURASCH. Yes, I was a lawyer.

The CHAIRMAN. Or a member of the bar. How did you happen to qualify for this position as a financial expert at \$8,000 a year?

Mr. KURASCH. It wasn't really financial. That was the title of the position. The position was really one of expediter, the idea being that you knew your way to help these people get started. That was the purpose.

Mr. ARENS. You had the right or the privilege in your civil-service status, making about \$8,000 a year in 1946, to seek some spot in the Federal Government in some other agency, did you not?

Mr. KURASCH. I had the privilege, yes.

Mr. ARENS. But you did not pursue that privilege; is that correct?

Mr. KURASCH. I don't recall exactly whether I tried to get another job or not at the time.

Mr. ARENS. Did the loyalty program or the loyalty investigation in 1946 have anything to do with your decision not to continue your career in the Federal Government?

Mr. KURASCH. I just wanted to finish my previous answer.

Mr. ARENS. And bear in mind this question and answer it, too, please, sir.

Mr. KURASCH. At that time jobs were not as easy to get as they were at other times in the Federal Government. The situation was tightening up. There wasn't as much employment.

Mr. ARENS. Did the loyalty program have anything to do with your decision not to continue your career in the Federal Government?

Mr. KURASCH. On that question I claim my privilege.

Mr. ARENS. They were breathing hot on your neck, weren't they, in the loyalty program and that is why you decided to leave the Federal Government?

Mr. KURASCH. Mr. Chairman, is that question proper?

Mr. SCHERER. Yes.

The CHAIRMAN. Yes. It is rather colorful but we all know what it means. Yes, I think you ought to answer this question.

Mr. KURASCH. I don't know of anyone who was breathing hot on my neck.

Mr. ARENS. Did your decision depend, in part at least, upon the apprehension on your part that you might be the subject of a loyalty investigation?

Mr. KURASCH. On that question I claim my privilege. I should point out, however, that in that period of time there were very, very many Government employees leaving the Government service and making their fortunes elsewhere.

Mr. ARENS. Did you go immediately from the Federal Government to the corporation which sells the Israel bonds?

Mr. KURASCH. No. I went into private practice in Washington.

Mr. ARENS. With whom were you associated in the private practice?

Mr. KURASCH. I was by myself.

Mr. ARENS. Did you have any clients lined up prior to the time you went into private practice?

Mr. KURASCH. Mr. Chairman, is this inquiry proper? I don't know why this is relevant. I don't know why we should go into this aspect of my life. I don't know why this is relevant.

Mr. ARENS. I shall be glad to point out why the question is relevant; namely, here is a man who has been identified as a member of several Communist Party cells, who has taken the fifth amendment, who at a particular time resigned an \$8,000 a year job and opened an office for the practice of law. The committee has peculiar concern respecting the loyalty program and its administration, whether or not it is effective, and how it operates in individual cases. Bearing on that issue the committee is certainly interested in the motive of the witness in resigning to open a law office.

The CHAIRMAN. This is no place to argue these questions. I direct you to answer the question.

Mr. KURASCH. I don't know that I had any clients lined up, no.

Mr. ARENS. Who procured your job for you with the Development Corporation for Israel?

Mr. KURASCH. I was employed by the firm of Gross & Blumberg, which had the account, and the corporation asked that I come over and work for it on a permanent basis.

Mr. ARENS. Did your employment—

Mr. KURASCH. Mr. Chairman. I wonder whether this is intended to harass me or whether it has to do with the loyalty program?

The CHAIRMAN. Whether what?

Mr. KURASCH. Whether its is intended to harass me.

The CHAIRMAN. No, I am sure it is not. I hope that no one will draw any inferences from the fact that such financial-aiding organizations have been mentioned. It is indeed unfortunate that they are handicapped by associations such as some of them seem to have. I trust that no inference will be drawn about these organizations because they are good organizations and the members of them for the most part are fine American citizens.

Mr. ARENS. Was your employment with the American Financial & Development Corporation for Israel caused or brought about directly or indirectly by any person known by you to have been a member of the Communist Party?

Mr. KURASCH. On all questions relating to my associations with members of the Communist Party, Mr. Chairman, I claim my privilege. I claim my privilege on this one for the same set of reasons.

Mr. ARENS. To your knowledge is any associate of yours in the work in which you are presently engaged a member of the Communist Party?

Mr. KURASCH. I claim my privilege. I think it unfortunate that such questions are being asked.

Mr. ARENS. You are leveling a very serious indictment against your colleagues in the Development Corporation for Israel.

Mr. KURASCH. No, I am not leveling any indictment and I don't think that inference is warranted in any way.

Have you any evidence of any such thing? Mr. Arens, have you any evidence of such thing or are you just asking questions to embarrass me?

Mr. ARENS. If people who are associated with you are all non-Communist and not connected with the Communist Party in any way, you certainly would not be disposed to assert the privilege of the fifth amendment with reference to them; would you?

KURASCH. That is your judgment, Mr. Arens.

Mr. ARENS. Are you a member or have you ever been a member of the Washington Committee for Democratic Action?

Mr. KURASCH. On that question, I claim my privilege.

Mr. ARENS. Are you or have you ever been a member of the American League for Peace and Democracy?

Mr. KURASCH. On that question I claim my privilege.

Mr. ARENS. Mr. Chairman, that concludes the staff inquiry of this witness.

The CHAIRMAN. The witness is excused.

The committee will stand in recess until 2:15.

(Whereupon, at 12:10 p. m., the committee was recessed, to reconvene at 2:15 p. m., the same day.)

AFTERNOON SESSION, TUESDAY, FEBRUARY 21, 1956

(The following members of the committee were present: Representatives Walter (presiding), Doyle, Frazier, Kearney, and Scherer.)

The CHAIRMAN. The committee will be in order.

Call your next witness, Mr. Arens.

Mr. ARENS. Mr. David Rein.

The CHAIRMAN. Will you raise your right hand, Mr. Rein. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. REIN. I do.

TESTIMONY OF DAVID REIN, ACCOMPANIED BY COUNSEL, JOSEPH FORER

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. REIN. My name is David Rein. I live at 5066 MacArthur Boulevard, Washington, D. C., and I am an attorney.

Mr. ARENS. Are you appearing today, Mr. Rein, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. REIN. That is correct.

I have a very brief statement that I would like to submit at this time, if I may.

The CHAIRMAN. You have appeared before this committee so often representing clients that you know the rules. We don't permit statements to be read. You may submit your statement and we will consider it. If we think it relevant to the matter in hearing we will have it made a part of your testimony.

Mr. REIN. I think it certainly is relevant, Mr. Chairman, and I would like to submit it.

Mr. ARENS. Are you represented by counsel today, Mr. Rein?

Mr. REIN. Yes.

Mr. ARENS. Will counsel kindly identify himself for the record.

Mr. FORER. Joseph Forer, 711 14th Street NW., Washington, D. C.

Mr. ARENS. Mr. Rein, kindly give us just a brief word, the essential elements, of your background, where you were born, when, and your early educational life.

Mr. REIN. Born in New York City April 12, 1914. I went to elementary school in public schools and high school in New York City. I went to Columbia College and Columbia Law School.

Mr. ARENS. When did you finish your formal education?

Mr. REIN. 1935.

Mr. ARENS. Trace for us in similar sketch form in chronological order the employments which you had after you completed your formal education.

Mr. REIN. My first job out of law school was working for an organization in New York City engaged in revising the charter of New York City. I don't recall the exact name of it. I think it was called the New York City Charter Commission. I was there only a very brief period.

Mr. ARENS. That was in what year?

Mr. REIN. It would be right after getting out of law school in 1935. I graduated in June of 1935, and I think I went to work on this job in July, approximately.

Mr. ARENS. If you will pardon reversion to a prior question, are you licensed to practice law in the District of Columbia?

Mr. REIN. Yes.

Mr. ARENS. And where else?

Mr. REIN. And New York. My job after that was working for the Puerto Rico Reconstruction Administration.

Mr. ARENS. That was beginning in 1935, also; was it not?

Mr. REIN. Late in 1935. I don't recall exactly when. I remained employed there until some time in 1937.

Mr. ARENS. Was that employment in Washington?

Mr. REIN. No; that was—part of the time was in Washington, but most of the time was Puerto Rico.

Mr. ARENS. San Juan?

Mr. REIN. San Juan, yes; San Juan or Santurce. I think the actual office was located in Santurce.

Mr. ARENS. Kindly continue to trace your employment in like pattern, Mr. Rein.

Mr. REIN. My next employment was working—again I don't know the exact name of the outfit, but it was a special committee which was set up having the function of making reports and recommendations looking toward revision of the constitution of the State of New York.

Mr. ARENS. That employment was in what year?

Mr. REIN. That would have been some time in 1937. I don't know exactly when.

Mr. ARENS. Just to your best recollection.

Mr. REIN. Some time in 1937 until some time in 1938.

Mr. ARENS. Was that a committee to revise the constitution of New York?

Mr. REIN. That was the purpose and function. I don't recall the exact title.

Mr. ARENS. Will you kindly proceed with the next employment?

Mr. REIN. Yes. I went to work for the National Labor Relations Board in I believe March of 1938. That is my best recollection. I remained employed there until some time in early 1942. Again I don't know whether it was January or thereabouts, or late in 1941. I would not be sure. I then left the National Labor Relations Board and went to work for the Office of Price Administration where I remained during most of 1942, and toward the end of the year 1942 I enlisted in the Marine Corps and remained in the Marine Corps until October of 1945. In October of 1945 I returned to employment in the National Labor Relations Board and remained there I believe until June of 1946, I think, May or June of 1946, at which time I left and since then I have been in private practice.

Mr. ARENS. Are you associated in practice with any person?

Mr. REIN. Yes; with my partner, Mr. Joseph Forer, who is here representing me as counsel.

Mr. ARENS. Do you have relatives who have been employed in the Federal Government?

Mr. REIN. Yes; I have a—yes; I do.

Mr. ARENS. Name those, please.

Mr. REIN. I have a brother who is employed and I have a cousin.

Mr. ARENS. What is your brother's name?

Mr. REIN. Louis.

Mr. ARENS. And where is he employed, or where was he employed?

Mr. REIN. He is employed in the Post Office.

Mr. ARENS. I believe you said you had a cousin.

Mr. REIN. Yes.

Mr. ARENS. What is his or her name?

Mr. REIN. Melvin.

Mr. ARENS. Where is he employed?

Mr. REIN. In the Patent Office.

Mr. ARENS. In Washington?

Mr. REIN. In Washington; yes.

Mr. ARENS. What is your wife's name, please?

Mr. REIN. Selma.

Mr. ARENS. Is she employed in the Federal Government?

Mr. REIN. No, she is not.

Mr. ARENS. Was she at any time employed in the Federal Government?

Mr. REIN. Yes; she was.

Mr. ARENS. In what agency was she employed?

Mr. REIN. She was employed in several agencies.

As I understand the rules of this committee, Mr. Chairman, no questions are to be addressed to witnesses concerning their husband or wife.

The CHAIRMAN. That is true. This is certainly not of any significance. I am sure that Mr. Arens is asking merely for purpose of identification.

Mr. ARENS. Not only for purposes of identification, Mr. Chairman, and that is a sufficient purpose, but also the committee will recognize the fact that a subpoena has been served on this lady, so she is a subject of interest by the committee.

The CHAIRMAN. Very well.

Would you kindly respond then to the principal question which is outstanding?

Mr. REIN. Do I understand, then, Mr. Chairman, that you are therefore changing the rules?

The CHAIRMAN. No; I am not changing any rules at all. You know the rules just as well as I do.

Mr. REIN. As I understand the rules, Mr. Chairman, questions are not—

The CHAIRMAN. This question is entirely relevant and material and there is nothing improper about it, and I direct you to answer it.

Mr. REIN. I didn't say the question was irrelevant and immaterial. I was asking about the rules of the committee saying that questions would not be addressed concerning wives.

The CHAIRMAN. Will you show me that rule?

Mr. REIN. If you have a copy of the rules.

The CHAIRMAN. There is no such rule. Answer the question.

Mr. REIN. Do you have a copy of the rules?

The CHAIRMAN. You answer the question, Mr. Rein.

Mr. REIN. Yes; my wife is employed by the Government.

Mr. FORER. May we have a copy of the rules? They must have been changed since I last saw them, because, I thought I had a working familiarity with them.

The CHAIRMAN. You received a copy of the rules when you were served, Mr. Rein.

Mr. REIN. No; I did not.

Mr. ARENS. We have alluded here in questions to three of your relatives. Do you know whether or not your cousin Melvin Rein is or has been a member of the Communist Party?

Mr. REIN. To the best of my knowledge, he is not and never has been.

Mr. ARENS. Mr. Chairman, the staff has no information respecting Melvin Rein. I say that for the reason that we do not want any unwarranted implications to be drawn from this question.

Do you know whether or not Louis Rein is or has been a member of the Communist Party?

Mr. REIN. To the best of my knowledge he is not and never has been.

Mr. ARENS. I repeat the same observation, Mr. Chairman, with reference to Louis Rein.

Do you know whether or not your wife, Selma Rein, is or has been a member of the Communist Party?

Mr. FORER. May we see the rule before there is an answer to that question?

The CHAIRMAN. No. You have been served with at least a dozen copies of the rules.

Mr. FORER. I know I am familiar with the rules.

The CHAIRMAN. Answer the question.

Mr. FORER. I don't know why you have rules if you are not going to follow them.

Mr. REIN. I refuse to answer that question on the basis of my husband-wife privilege.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer the question.

Mr. REIN. I refuse to answer that question on the basis of the reasons set out in the statement which I submitted to the committee, which I would like to incorporate here as part of the record of this hearing.

The CHAIRMAN. It will be incorporated when the committee examines it and determines whether or not it is worthy of being made a part of this or any other record. That is when we will pass on it.

Mr. REIN. It contains a statement of my reasons for refusing to answer the question, Mr. Chairman.

Mr. ARENS. When did your wife leave the employ of the Federal Government?

Mr. REIN. I am not sure. I think either late 1946 or early 1947. I am not certain.

Mr. ARENS. May I invite your attention to the skeleton outline of your employment which we have already covered, Mr. Rein, and ask you who was your immediate superior in your labors developing the New York Charter. We are a little vague on that.

Mr. REIN. I don't remember, to tell you the truth. I think his name was Lazarus, but I am not really sure.

Mr. ARENS. Was your employment in this project to develop factual material on the New York City Charter occasioned directly or indirectly by any person known by you to have been a member of the Communist Party?

Mr. REIN. No.

Mr. ARENS. Was your employment with the Puerto Rican Reconstruction organization occasioned by any person known by you to have been a member of the Communist Party?

Mr. REIN. No.

Mr. ARENS. Did you have any associates in that enterprise or activity who were known by you to have been members of the Communist Party?

Mr. REIN. I don't understand the question. Do you mean did anybody else work there at the same time that I did?

Mr. ARENS. Yes, a coemployee who was a member of the Communist Party to your knowledge.

Mr. REIN. I refuse to answer that question on the basis given in my statement.

Mr. ARENS. In the course of your employment with the Puerto Rico Reconstruction Administration, did you have access to confidential or restricted information?

Mr. REIN. No.

Mr. ARENS. Do you have knowledge respecting the transmission of confidential or restricted information which you acquired during the course of your employment?

Mr. REIN. No.

Mr. ARENS. Did any person known by you to have been a member of the Communist Party, directly or indirectly, to your knowledge have anything to do with the acquisition of your job developing the constitution of New York?

Mr. REIN. No.

Mr. ARENS. Was anyone to your knowledge engaged in that work who was a member of the Communist Party?

Mr. REIN. I refuse to answer that question on the grounds which I have previously stated.

Mr. ARENS. What were your duties in working on the constitution of New York?

Mr. REIN. Doing research work on the various provisions of the New York State constitution.

Mr. ARENS. Was that in anticipation of a constitutional convention?

Mr. REIN. That is correct.

Mr. ARENS. How long did you work on that?

Mr. REIN. My best recollection would be 6 to 7 months.

Mr. ARENS. What particular provisions of the constitution did you work on?

Mr. REIN. Specifically the bill of rights, the first amendment, and its analogue in the constitution. I think I did a research job on the provision of habeas corpus and some others in that field.

Mr. ARENS. Are your labors reflected in any way in the specific provisions which were subsequently part of the constitution of New York?

Mr. REIN. I really couldn't say. I submitted a research memorandum. I couldn't say what attention the delegates paid to it or didn't.

Mr. ARENS. Did you in the course of your labors looking toward the adoption of certain provisions for the constitution of New York State have contact with any person known by you to be a member of the Communist Party?

Mr. REIN. I am sorry, but I don't understand the question.

Mr. ARENS. Did you in the course of your work on the constitution of New York or in the preparation of material for the constitution of the State of New York have contact or association in that work with any person known by you to be a member of the Communist Party?

Mr. REIN. I did my work in the library.

Mr. ARENS. Did you counsel with, contact, or associate with any person in connection with that work who was known by you to be a member of the Communist Party?

Mr. REIN. I refuse to answer that question on the grounds I have previously stated.

Mr. ARENS. Are you telling this committee that if you should give a truthful answer to that question you would be supplying information which could be used against you in a criminal proceeding?

Mr. REIN. I set forth the grounds on which I am refusing to answer the question in the statement which I submitted.

The CHAIRMAN. Do you decline to answer the question because you are invoking the fifth amendment?

Mr. REIN. Among other grounds.

Mr. ARENS. Do you truly apprehend, Mr. Rein, that if you would tell this committee truthfully whether or not you were associated with Communists in your work in preparing this constitutional revision for the State of New York, you would be supplying information which could be used against you in a criminal proceeding?

Mr. REIN. I refuse to answer that question.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that the witness be ordered and directed to answer this last principal question.

The CHAIRMAN. You are directed to answer the question.

Mr. REIN. It is not my understanding that I have to answer that question in order to claim the privilege.

Mr. ARENS. To your knowledge, was any person known by you to be or to have been a member of the Communist Party responsible

directly for the procurement of your employment with the National Labor Relations Board?

Mr. REIN. No.

Mr. ARENS. Who was your immediate supervisor during the course of your employment with the National Labor Relations Board?

Mr. REIN. I had a number of them.

Mr. ARENS. Who were some of them?

Mr. REIN. There was Tom Emerson, George Pratt. I believe for a period—I am not certain—Malcolm Halliday. Mr. Somers was my supervisor for a period. I guess during my last period it would be Frank Bloom.

Mr. ARENS. Did you at any time have official association with Mr. Nathan Witt?

Mr. REIN. No.

Mr. ARENS. Did you in the course of your employment have as part of your duties the drafting of decisions for the National Labor Relations Board?

Mr. REIN. Yes, during the early part of my employment with the Board.

Mr. ARENS. Did you have an opportunity or was it part of your duty to consult with the Board on policy matters and to issue your recommendations to the Board?

Mr. REIN. My recollection of my experience with the Board was that all matters of policy were decided by the members of the Board.

Mr. ARENS. Did you have occasion to express your recommendations to the Board?

Mr. REIN. Surely, when the Board inquired of me, I would.

Mr. ARENS. During the course of your employment with the National Labor Relations Board did you have occasion to observe the practices which were followed in the legal sections of the National Labor Relations Board respecting company controlled unions?

Mr. REIN. That would be part of my functions to keep up with the work of the Board; yes.

Mr. ARENS. A company controlled union would be decertified; would it not?

Mr. REIN. I think the previous witness indicated that during the period I was with the Board there was no procedure for decertification.

Mr. ARENS. They would not be certified in the first place; would they?

Mr. REIN. I don't know that the problem ever came up.

Mr. ARENS. Do you know of any company union that was certified?

Mr. REIN. I just don't know that the problem ever came up one way or the other in my experience.

Mr. ARENS. You have expressed your familiarity with the problem of company-controlled unions. The policy was, was it not, that a company-controlled union would not be certified because it would not be a bona fide representative of the workers within a given plant or area; isn't that the fact?

Mr. REIN. That was the provision of the National Labor Relations Act, as enacted by Congress; yes.

Mr. ARENS. Did the policy of the National Labor Relations Board and of the legal division of the National Labor Relations Board encompass a certification of Communist-controlled labor organizations?

Mr. REIN. They had no policy on the subject one way or the other. The question never arose during the period I was with the Board.

Mr. ARENS. During the course of the time that you were with the National Labor Relations Board did the Board certify for bargaining purposes the American Communications Association?

Mr. REIN. I have no knowledge on that subject.

Mr. ARENS. Did it certify the International Fur & Leather Workers?

Mr. REIN. I have no knowledge on that subject.

Mr. ARENS. Do you know whether or not the Board certified as almost a matter of course the Communist-controlled labor organizations?

Mr. REIN. I don't know whether any labor organizations are Communist controlled; Mr. Arens, does, but I have no information on that subject.

Mr. SCHERER. Have you information as to whether the UE is Communist controlled?

Mr. REIN. I have no information.

Mr. SCHERER. You never heard of it?

Mr. REIN. I have heard of it. I have heard the accusation.

Mr. ARENS. Do you know a man by the name of Abram Flaxer?

Mr. REIN. Yes; I know Mr. Flaxer.

Mr. ARENS. He was head of what organization?

Mr. REIN. The United Public Workers.

Mr. ARENS. Was he a Communist?

Mr. REIN. I claim my lawyer-client privilege on that.

Mr. ARENS. Do you know a man named Joseph Selly?

Mr. REIN. No; I don't believe I ever met him.

Mr. ARENS. Do you know a man named Ben Gold?

Mr. REIN. Yes; I have met Mr. Gold.

Mr. ARENS. With what organization was he identified?

Mr. REIN. International Fur & Leather Workers.

Mr. ARENS. Was he a Communist?

Mr. REIN. I claim my lawyer-client privilege on that.

Mr. ARENS. You know, as a matter of fact, do you not, that Communist-controlled labor organizations were certified and the certification went through the National Labor Relations Board like water through a sieve; isn't that correct?

Mr. REIN. I have no information on that subject.

Mr. ARENS. Do you have any information that any Communist-controlled labor organization was ever decertified?

Mr. REIN. I have no information that any union was ever decertified while I was working with the Labor Board.

Mr. ARENS. During the course of your employment at the National Labor Relations Board did you know a person by the name of Allan Rosenberg?

Mr. REIN. Yes.

Mr. ARENS. Did you know a person by the name of Martin Kurasch?

Mr. REIN. Yes.

Mr. ARENS. Did you know a person by the name of Joseph B. Robison?

Mr. REIN. Yes.

Mr. ARENS. Did you know a person by the name of Lester Asher?

Mr. REIN. Yes.

Mr. ARENS. Were all of these persons I have just named fellow employees of yours at the Board?

Mr. REIN. Yes.

Mr. ARENS. Were they all lawyers?

Mr. REIN. Yes.

Mr. ARENS. Can you tell us whether or not any of them were not Communists?

Mr. REIN. I don't understand that question.

Mr. ARENS. To your certain knowledge were any of these 5 people whom I have just named not Communists?

Mr. REIN. I am sorry. I just don't follow the question, Mr. Arens.

Mr. SCHERER. I ask that you direct the witness to answer the question.

The CHAIRMAN. Do you understand the question?

Mr. REIN. No; I don't.

The CHAIRMAN. Read it again.

Mr. ARENS. Were Allan Rosenberg, Martin Kurasch, Joseph Robinson, Lester Asher, or any of them to your knowledge not Communists?

Mr. REIN. I just don't understand the question.

Mr. ARENS. We will take them one by one. Was Allan Rosenberg not a Communist?

Mr. FORER. Why don't you ask the question whether he was?

Mr. ARENS. We are asking the questions.

Was Allan Rosenberg not a Communist?

Mr. REIN. I don't understand the question.

Mr. ARENS. Do you know whether or not Allan Rosenberg was not a Communist?

Mr. REIN. I refuse to answer that question.

Mr. KEARNEY. You understood that question?

Mr. REIN. Yes.

Mr. ARENS. Was Woodrow Sandler a Communist?

Mr. REIN. I refuse to answer that question on the grounds previously stated.

Mr. ARENS. Did you know him?

Mr. REIN. Yes; I knew him.

Mr. ARENS. Did you know Lester Asher?

Mr. REIN. Yes.

Mr. ARENS. Was he employed by the Board?

Mr. REIN. Yes.

Mr. ARENS. Was he a Communist?

Mr. REIN. I refuse to answer this question.

Mr. ARENS. Jacob H. Krug?

Mr. REIN. Jacob H. Krug? You ask whether I know him?

Mr. ARENS. Yes, let's start that way.

Mr. REIN. Yes, I know him.

Mr. ARENS. Who was he?

Mr. REIN. He was an attorney at the National Labor Relations Board.

Mr. ARENS. Did you have any affiliation or association with him other than the fellow employee relationship?

Mr. REIN. If the question is directed to whether or not I knew him to be a member of the Communist Party, I have already indicated that I refuse to answer it.

Mr. ARENS. Did you know Mortimer Riemer?

Mr. REIN. Yes.

Mr. ARENS. Was he a member of the Communist Party?

Mr. REIN. I refuse to answer.

Mr. ARENS. Was he employed by the National Labor Relations Board in a legal capacity?

Mr. REIN. Yes.

Mr. ARENS. Do you know John W. Porter?

Mr. REIN. Yes.

Mr. ARENS. Was he employed by the National Labor Relations Board?

Mr. REIN. I don't believe so, but he may have been.

Mr. ARENS. What was the nature of your acquaintance with him?

Mr. REIN. I really can't place him, to tell you the truth.

Mr. ARENS. I was under the impression you said you did know him.

Mr. REIN. Yes, I just can't place where or when I knew him. I don't recall his working at the National Labor Relations Board while I was there.

Mr. ARENS. Do you know whether or not he was a member of the Communist conspiracy?

Mr. REIN. The Communist conspiracy to do what?

Mr. ARENS. Do you know whether or not he was a member of the Communist conspiracy?

Mr. REIN. To do what, Mr. Arens?

Mr. ARENS. Do you know whether or not he was ever a member of the Communist conspiracy?

Mr. REIN. I am sorry, unless you tell me conspiracy to do what, I am afraid I can't answer.

Mr. ARENS. Are you a member of the Communist conspiracy?

Mr. REIN. To do what?

Mr. SCHERER. Just a moment, Counsel.

Mr. REIN. I am sorry, I can't answer a question which has——

Mr. SCHERER. I ask that you direct the witness to answer the question.

Mr. REIN. I can't answer the question unless it is defined. Conspiracy to do what?

Mr. ARENS. Do you know whether or not the Communist Party is and has been a conspiracy?

Mr. REIN. To do what?

Mr. ARENS. Do you know whether or not it is or has been a conspiracy?

Mr. REIN. I am sorry. I am at a loss. I just don't understand the statement of a conspiracy unless you define it as a conspiracy to do what.

Mr. ARENS. Do you want to decline to answer that question?

Mr. REIN. I don't understand the question. I don't think it is a complete question. I think it is unintelligible in its present form.

Mr. ARENS. Do you know a person by the name of Margaret B. Porter?

Mr. REIN. Yes.

Mr. ARENS. Was she a Communist?

Mr. REIN. I refuse to answer that question on the same grounds.

The CHAIRMAN. What grounds are they?

Mr. REIN. All of the grounds set forth in my statement.

The CHAIRMAN. But your statement isn't a matter of record. As a matter of fact, it wasn't submitted in accordance with the rules. The committee has not passed on it.

Mr. REIN. I am sorry, but those are the grounds. And I will have to rest on that. If you want me to read them I will be glad to read them, Mr. Chairman.

Mr. SCHIERER. I ask that you direct the witness to answer the question.

The CHAIRMAN. You are directed to answer the question.

Mr. REIN. What question?

(The reporter read from his notes as requested.)

Mr. REIN. I refuse. The chairman says this statement is not a matter of record. I would like to state my grounds at the present time. I have examined the transcript—

The CHAIRMAN. Never mind reading the statement. You know that is in violation of the rules.

Mr. REIN. Mr. Chairman, I have indicated that I wish to refer to the statement—

The CHAIRMAN. Just a moment. You have appeared before this committee on dozens of occasions. Why anybody retained you I do not know, because a moment ago you didn't know what conspiracy was. I do not know how you ever would advise anybody if you do not know what this is all about. Nevertheless, you know what the rules are. You know that we consider statements which are submitted in advance. The rules of this committee provide for that, and you have not submitted this statement in advance. No one has seen it. I glanced at it, but no one else has seen it.

Mr. REIN. Mr. Chairman, I have indicated that I would like to state the grounds of refusing to answer the question.

The CHAIRMAN. You are not going to make a stump speech.

Mr. REIN. There is no intention to make a stump speech.

The CHAIRMAN. You are not going to read a statement here. You are setting forth the case just overruled on yesterday. Proceed, Mr. Arens.

Mr. ARENS. Did you know a person by the name of Ruth Weyand, W-e-y-a-n-d?

Mr. REIN. Yes, I did.

Mr. ARENS. Was she a fellow employee in the legal sections of the National Labor Relations Board when you were there?

Mr. REIN. Yes, she was.

Mr. ARENS. Were you a member of any organization of which she was a member?

Mr. REIN. If the question refers to the Communist Party, I refuse to answer on the grounds set forth in my statement.

Mr. SCHIERER. I ask you to direct the witness to answer the question. He has to give his constitutional grounds.

The CHAIRMAN. Are you invoking the fifth amendment?

Mr. REIN. It is one of the grounds included. I have other grounds.

Mr. ARENS. Let's clear up this point which is unresolved. Do you know whether or not the Communist Party is a conspiracy to overthrow the Government of the United States by force and violence?

Mr. REIN. Not to my knowledge.

Mr. SCHERER. Have you ever been a member of the Communist Party?

Mr. REIN. I refuse to answer that question on the grounds stated.

Mr. SCHERER. You have read the testimony of the witnesses at the hearing in Chicago in December, have you not, Mr. Rein?

Mr. REIN. Yes. You mean Fuchs?

Mr. SCHERER. Yes.

Mr. REIN. Yes, I did.

Mr. SCHERER. Is his testimony about you true or untrue?

Mr. REIN. I refuse to answer that on the grounds previously stated.

Mr. SCHERER. You don't deny that in his testimony he claims you were a member of the Communist Party?

Mr. REIN. I said I refuse to answer.

Mr. ARENS. Did you know Mr. Fuchs?

Mr. REIN. Yes.

Mr. ARENS. Where did you know him and when?

Mr. REIN. I knew him at the National Labor Relations Board.

Mr. ARENS. Was he employed there as an attorney?

Mr. REIN. Yes.

Mr. ARENS. Did you know Bertram Diamond?

Mr. REIN. Yes.

Mr. ARENS. Was he employed there as an attorney?

Mr. REIN. Yes.

Mr. ARENS. Was he a member of the Communist Party?

Mr. REIN. I refuse to answer on the grounds previously stated.

Mr. ARENS. Did you know Edward Scheunemann?

Mr. REIN. Yes.

Mr. ARENS. Was he engaged there as a lawyer?

Mr. REIN. Yes.

Mr. ARENS. Was he a member of the Communist Party?

Mr. REIN. I refuse to answer on the same grounds.

Mr. ARENS. Did you know a gentleman by the name of Harry Cooper?

Mr. REIN. My recollection of him is pretty vague, but I sort of vaguely remember that he was there when I was there.

Mr. ARENS. Was he a member of the Communist Party?

Mr. REIN. I refuse to answer that question.

Mr. ARENS. Do you know a lady by the name of Helen Hill?

Mr. REIN. Helen Hill, yes, I knew her.

Mr. ARENS. Where did you know her?

Mr. REIN. She was an employee of the Labor Board.

Mr. ARENS. In what capacity was she employed?

Mr. REIN. I don't really recall. She was a clerk, a statistical clerk.

Mr. ARENS. Were you ever in any organization or associated with her other than your office relationship?

Mr. REIN. I refuse to answer that question on the same grounds.

Mr. ARENS. You were a member of two Communist Party cells in the National Labor Relations Board; were you not?

Mr. REIN. I refuse to answer on the same grounds.

Mr. ARENS. During the course of your employment at the National Labor Relations Board did you have access at any time to confidential or restricted information?

Mr. REIN. No.

Mr. ARENS. Do you have knowledge respecting the transmission of confidential or restricted information by any person to a person who was not authorized to receive the same?

Mr. REIN. No.

Mr. ARENS. Have you identified Mortimer Riemer, R-i-e-m-e-r?

Mr. REIN. You asked me whether I knew him and I said I did, yes.

Mr. ARENS. Did you ever undertake to enlist his membership in any organization?

Mr. REIN. I refuse to answer that question.

Mr. ARENS. The truth is that you tried to reenlist him in the Communist Party when he broke away, isn't that so?

Mr. REIN. I refuse to answer that.

Mr. ARENS. Mortimer Riemer testified before this committee under oath to the effect that you, David Rein, had tried to reenlist him in the Communist Party. Was he lying or was he telling the truth?

Mr. REIN. I refuse to answer that question on the same grounds.

Mr. ARENS. You left the National Labor Relations Board in the latter part of 1941 or early 1942. Is that correct?

Mr. REIN. Yes.

Mr. ARENS. Did your disassociation from the National Labor Relations Board and your employment in the OPA come about as a result of the participation, directly or indirectly, of any Communist?

Mr. REIN. No.

Mr. ARENS. Who was your immediate superior in the OPA?

Mr. REIN. I believe it was either Tom Harris or Ellsworth Clark. I am not entirely sure.

Mr. ARENS. Do you know of any persons in the OPA at the time you were there who to your certain knowledge were members of the Communist Party?

Mr. REIN. I refuse to answer that question on the grounds previously stated.

Mr. ARENS. During the course of your employment with the OPA did you travel out of Washington?

Mr. REIN. I don't believe so.

Mr. ARENS. Your work was principally centered here?

Mr. REIN. I think so. I have no recollection of ever leaving Washington.

Mr. ARENS. During the course of your employment in the Federal Government did you ever sign a loyalty oath?

Mr. REIN. I have no clear recollection, but I imagine I signed—

Mr. ARENS. Did you ever sign any document to the effect that you were not and never had been a member of the Communist Party?

Mr. REIN. I have no recollection of ever having done so.

Mr. ARENS. To your knowledge were you ever the subject of a loyalty investigation?

Mr. REIN. Not so far as I can recall.

Mr. ARENS. During the course of your employment in the OPA did you have access to any confidential or restricted information?

Mr. REIN. No.

Mr. ARENS. What caused your disassociation from the OPA?

Mr. REIN. I enlisted in the Marine Corps.

Mr. ARENS. Where were you sent when you enlisted in the Marine Corps?

Mr. REIN. At first?

Mr. ARENS. Yes. Give us a brief sketch of the places you went.

Mr. REIN. Surely. I went first down to boot camp at Parris Island, S. C. From there I went up to officers' candidate school at Quantico, and then I went to Reserve officers' class at Quantico. From there I went to naval intelligence school up at Quonset Point, R. I., for training as an intelligence officer in air combat intelligence.

Mr. SCHERER. Were you a member of the Communist Party at that time?

Mr. REIN. I refuse to answer that on the grounds previously stated.

Mr. KEARNEY. Do I understand you to say you were an officer of the United States Marine Corps?

Mr. REIN. Yes, sir.

Mr. ARENS. Proceed on your chronology.

Mr. REIN. After I completed my schooling as an air combat intelligence officer at Quonset Point, I was assigned to a Marine squadron which I think then was stationed at Edenton, N. C.

Mr. ARENS. Were you as of that time trained in intelligence work as an intelligence officer?

Mr. REIN. That had been my training that I got at Quonset Point and Quantico.

Mr. ARENS. We will return to that later. I want to get the chronology first.

Mr. REIN. The squadron to which I was assigned then moved to the west coast, to El Centro, Calif. From El Centro the squadron went overseas. We stopped at a great number of islands. I am not sure if I can keep the islands quite correct.

Mr. ARENS. Where was that?

Mr. REIN. In the Pacific. They included Esperitu Santo. I think we were briefly at Guadalcanal. We spent quite a bit of time at Sterling Island and then Green Island in the Solomons. Then I transferred to another squadron which was in the Philippines. I think that about completes the tour of duty.

Mr. SCHERER. Mr. Rein, when did you say you joined the Marines?

Mr. REIN. Either late 1942 or January of 1943. I am not exactly sure. I think I enlisted in December of 1942 and reported down at Parris Island in January 1943.

Mr. SCHERER. When did you leave the service?

Mr. REIN. I went off active duty in October 1945.

Mr. SCHERER. During those 3 years were you a member of the Communist Party?

Mr. REIN. I refuse to answer that question on the grounds previously stated.

Mr. SCHERER. During the same 3-year period we were cobelligerents with Russia, were we not?

Mr. REIN. I don't recall ever being in war when we were not cobelligerents, Mr. Scherer.

Mr. SCHERER. Will you answer my question?

Mr. REIN. I think I have answered your question.

Mr. SCHERER. At that time we were cobelligerents with Russia, were we not?

Mr. REIN. We were cobelligerents with Russia during the entire period of the war, to my knowledge.

Mr. ARENS. Did you during the course of your duties as intelligence officer have access to confidential or restricted information?

Mr. REIN. Oh, yes.

Mr. ARENS. Did you in the course of your service in the Marines transmit to any person not authorized by law to receive the same any information which came to you in the course of your service?

Mr. REIN. No.

Mr. ARENS. While you were in the Marines as an intelligence officer, were you under discipline of the Communist Party?

Mr. REIN. You will have to explain your terms to me.

Mr. ARENS. Were you in contact with persons known by you to be members of the Communist Party?

Mr. REIN. I refuse to answer that question.

Mr. ARENS. While you were in the United States Marines or as a prerequisite to your admission to the United States Marines, did you take an oath of allegiance to defend the Constitution of the United States?

Mr. REIN. Yes.

Mr. ARENS. Have you ever been a member of an organization dedicated to the violent overthrow of the Government of the United States?

Mr. REIN. No.

Mr. ARENS. During the course of your service in the Marines did you have an association on a preconceived or concerted plan basis with any persons known by you to be members of the Communist Party?

Mr. REIN. I refuse to answer that question on the grounds previously stated.

Mr. KEARNEY. Mr. Counsel, do you mean while he was wearing the uniform of a United States Marine officer?

Mr. ARENS. Yes, sir; and after he had taken an oath of allegiance.

Were you at any time subject to a loyalty investigation while in the United States Marines?

Mr. REIN. I really don't know what procedure they went through.

Mr. KEARNEY. I would like to ask this question, Counsel: Are you now a member of the United States Marine Corps Reserve?

Mr. REIN. No, I am not.

Mr. KEARNEY. Either as an officer or enlisted man?

Mr. REIN. No, I am not.

Mr. ARENS. Was your disassociation from the Marines in any way caused by any loyalty proceeding? Were you forcibly discharged from the Marines?

Mr. REIN. No.

Mr. ARENS. I understood you to say that you had resumed activity at the National Labor Relations Board after your discharge from the Marines, is that correct?

Mr. REIN. That is correct.

Mr. ARENS. Was that reemployment occasioned directly or indirectly by any person known by you to have been a member of the Communist Party?

Mr. REIN. No.

Mr. ARENS. Who was your superior in the National Labor Relations Board when you resumed your employment?

Mr. REIN. Frank Bloom.

Mr. ARENS. While you were on the staff of the National Labor Relations Board did you also belong to the National Lawyers Guild?

Mr. REIN. Yes.

Mr. ARENS. How long have you belonged to the National Lawyers Guild?

Mr. REIN. I don't really recall when I joined.

Mr. ARENS. What is your best recollection?

Mr. REIN. I don't really remember.

Mr. ARENS. Have you been a member 10 years? Since 1938 or something like that?

Mr. REIN. Something like that.

Mr. ARENS. Have you been a continuous member?

Mr. REIN. Since I first joined, yes.

Mr. ARENS. Have you held any offices in the National Lawyers Guild?

Mr. REIN. Yes. I held a position in the Washington chapter.

Mr. ARENS. What posts did you hold?

Mr. REIN. Secretary.

Mr. ARENS. What year were you secretary?

Mr. REIN. I will try to state my best recollection. I don't know whether it would be 1946 or 1947 or thereabouts.

Mr. ARENS. Do you hold any office now?

Mr. REIN. I am a member of the National Executive Board of the National Lawyers Guild.

Mr. ARENS. Have you ever been employed by the American Committee for Protection of Foreign Born?

Mr. REIN. I don't understand the question.

Mr. ARENS. Have you ever been employed by the American Committee for Protection of Foreign Born?

Mr. REIN. Do you mean retained to handle a case for them?

Mr. ARENS. Yes.

Mr. REIN. Or to be an employee. I have never been an employee of the organization. Do you mean have they ever retained me as counsel in a case?

Mr. ARENS. Yes.

Mr. REIN. I think so, yes.

Mr. ARENS. You represented the American Committee for Protection of Foreign Born before the Subversive Activities Control Board, did you not?

Mr. REIN. No. My partner, Mr. Forer, did. And does now, as a matter of fact. The hearing has just begun on that.

Mr. ARENS. Who actually did the retaining for the American Committee for Protection of Foreign Born? Who actually negotiated the arrangement?

Mr. REIN. I am sorry, I was not actually retained by the American Committee.

Mr. ARENS. Do you know Abner Green?

Mr. REIN. Yes, I know Abner Green.

Mr. ARENS. What is the nature of your association with him?

Mr. REIN. I know him as Secretary of the American Committee for Protection of Foreign Born.

Mr. ARENS. Do you know whether or not he is a hard-core Communist?

Mr. REIN. I will have to rely on my lawyer-client privilege.

Mr. ARENS. Is that the only ground on which you refuse to answer that question?

Mr. REIN. My lawyer-client privilege.

Mr. ARENS. Is that the only one? Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question.

The CHAIRMAN. You are ordered to answer the question.

Mr. REIN. You mean you don't respect lawyer-client privilege, Mr. Chairman?

The CHAIRMAN. This is not a case of divulging information received in that relationship. Answer the question.

Mr. REIN. He didn't ask me who retained me. He said was Mr. Green a Communist. That is the question.

The CHAIRMAN. But you said you didn't represent him.

Mr. FORER. No, he didn't say that. He said he didn't represent the American Committee for Protection of Foreign Born.

The CHAIRMAN. Do you represent Mr. Green?

Mr. REIN. In any capacity?

The CHAIRMAN. In any capacity.

Mr. REIN. Our law firm represents him.

The CHAIRMAN. In what capacity?

Mr. REIN. It represented him both in his capacity as executive secretary when they represented the committee, and they have represented him before congressional committees.

Mr. ARENS. Did you on the basis of any association within an organization acquire knowledge as to whether or not Abner Green was a member of the Communist Party?

Mr. REIN. I told you I claim my lawyer-client privilege. I have no information about Mr. Green's affiliation which I might have learned other than I might have learned as a lawyer. I have no information.

The CHAIRMAN. You are not being asked what you learned about your client in the relationship of lawyer-client. You are asked what you learned about him as a result of your association with him at meetings.

Mr. REIN. I think I have answered the question that I have no knowledge other than what I might have learned as a lawyer.

Mr. ARENS. Have you ever represented the National Council of American-Soviet Friendship or been employed by it?

Mr. REIN. Mr. Chairman, I must enter a protest at being questioned about clients that I have represented in proceedings. I don't see how that can possibly be a proper function of this committee under any theory.

The CHAIRMAN. We do not know. This, of course, is a preliminary question. As we sit here we often wonder how people from all over the United States should happen to retain you. That is the sort of thing that runs through our minds.

Mr. REIN. I will be glad to discuss it with you any time you are interested.

The CHAIRMAN. I think I know why, of course. This is a preliminary question. You answer the question.

Mr. REIN. Preliminary to what?

The CHAIRMAN. We will determine. Proceed, Mr. Arens.

Mr. ARENS. The question is still outstanding, Mr. Chairman.

Mr. REIN. I don't recall it.

Mr. ARENS. With reference to who made the contact, who would cause your association or representation of the National Council of American-Soviet Friendship?

Mr. REIN. I really don't recollect who it was.

Mr. ARENS. Was it a person known by you to be a member of the Communist Party?

Mr. REIN. I would have to claim my lawyer-client privilege on that.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question.

The CHAIRMAN. Let's defer taking action on that for the moment, and I will reserve a ruling.

Mr. ARENS. All right, sir.

Did you represent Gerhart Eisler in any proceeding?

Mr. REIN. Yes.

Mr. Chairman, again I would like to indicate my objection to questions concerning people I have represented. I don't see how it is a proper part of this committee to run an investigation as to whom I may have represented in legal proceedings.

Mr. KEARNEY. Counsel, does the witness object to any questions pertaining to his representation of any well-known Communist? Is that the fact?

Mr. REIN. I object to questions about my representation of anybody. I don't see how it is the proper business of this committee. It is a matter of public record. I don't see any reason. It can't be that the committee is looking for any information on the subject because all you have to do is look at the reports. You can find that I argued a case representing Gerhart Eisler in which I argued before the Supreme Court that this whole committee was unconstitutional. That is a matter of public record. I can't really believe the committee is interested in acquiring information on the subject.

Mr. KEARNEY. What was the Court's answer to your argument?

Mr. REIN. The Court never decided the case.

Mr. SCHERER. Mr. Witness, this isn't a matter of public record: How often have you been requested by the Communist Party to represent witnesses before this committee? That has nothing to do with your attorney-client relationship.

Mr. REIN. I don't recall ever being requested by the Communist Party to represent any witness before this committee.

Mr. ARENS. Have you ever been requested by any person known to you to be a Communist to represent some other person before this committee?

Mr. FORER. I think again he is going into an improper area, Mr. Chairman.

Mr. ARENS. Did you know Nathan Gregory Silvermaster while you were employed in the Federal Government?

Mr. REIN. No.

Mr. ARENS. Did you ever have any contact or association with him outside of the Federal Government?

Mr. REIN. I represented him.

Mr. ARENS. Did you have any other contact or association with him other than your professional representation of him?

Mr. REIN. Since I have represented him I have visited his home.

Mr. ARENS. Have you ever been in any Communist Party sessions with him?

(The witness conferred with his counsel.)

Mr. REIN. Mr. Silvermaster is a client of mine and I will say aside from my function of representing him as counsel I have no information with regard to any Communist activities on his part, other than I might have learned as his counsel, and I claim my lawyer-client privilege.

Mr. ARENS. Did you have any activities or associations with Gerhart Eisler other than your lawyer-client relationship which bore on the Communist issue?

Mr. REIN. None.

Mr. ARENS. Do you represent the Civil Rights Congress?

Mr. REIN. No.

Mr. ARENS. Have you ever represented them?

Mr. REIN. To the best of my recollection I would say no.

Mr. ARENS. I don't believe the record is clear as to whether or not you represent or have represented the National Council of American-Soviet Friendship.

Mr. REIN. I thought the record was clear on that. I represented them in a case against the Attorney General and I represented them before the Subversive Activities Control Board. I think we mentioned that.

Mr. ARENS. Have you ever traveled abroad other than in the service?

Mr. REIN. Canada and Mexico is about all.

Mr. ARENS. Did you ever apply for a passport?

Mr. REIN. Yes; I did.

Mr. ARENS. Did you receive it?

Mr. REIN. Once I did; yes.

Mr. ARENS. When was that?

Mr. REIN. In connection with some proceedings arising out of the Eisler case I applied for a passport to go to England in that connection, but I never had occasion to use it.

Mr. SCHERER. Did Eisler know you were a member of the Communist Party?

Mr. REIN. I am sorry. I don't understand the question. You will have to ask Mr. Eisler.

Mr. SCHERER. Did Mr. Gerhart Eisler know you were a member of the Communist Party?

Mr. REIN. Would you mind putting the question, Did Gerhart Eisler know whether or not I was? I might answer that question.

Mr. ARENS. Did you have any contact, association or concerted actions with a man by the name of William Ludwig Ullmann other than in lawyer-client relationship?

Mr. REIN. I have seen him socially.

Mr. ARENS. Do you know whether or not he is a member of the Communist conspiracy?

Mr. REIN. I would have 18 objections to that question, but I will rest on my lawyer-client privilege.

Mr. ARENS. Are you presently under discipline of the Communist conspiracy?

Mr. REIN. I am sorry, you will have to tell me what it is, a Communist conspiracy to do what.

Mr. ARENS. Do you mean to tell this committee you have represented scores of hard-core Communists before this committee, and you don't know what the Communist conspiracy is?

Mr. REIN. I haven't said that I represented any Communist.

The CHAIRMAN. You don't have to, Mr. Rein.

Mr. REIN. My I ask, Mr. Chairman, that my statement be made part of the record?

The CHAIRMAN. As soon as I submit it to the subcommittee. No one has seen it.

Mr. FORER. Have you finished?

Mr. ARENS. I have no further questions, Mr. Chairman.

The CHAIRMAN. There are no further questions and the witness is excused.

The committee will be in recess for 5 minutes.

(Brief recess.)

(The following members of the committee were present: Representatives Walter, Doyle, Frazier, Willis, Kearney, and Scherer.)

The CHAIRMAN. The committee will be in order.

Call your next witness.

Mr. ARENS. Mr. Allan Rosenberg.

The CHAIRMAN. Will you raise your right hand, Mr. Rosenberg. Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ROSENBERG. I do.

TESTIMONY OF ALLAN R. ROSENBERG, ACCOMPANIED BY COUNSEL, BENJAMIN LORING YOUNG

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. ROSENBERG. My name is Allan R. Rosenberg. I live at 44 Russell Road, Newton, Mass. I am an attorney.

Mr. ARENS. Are you appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. ROSENBERG. Yes.

Mr. ARENS. You are represented by counsel?

Mr. ROSENBERG. I am.

Mr. ARENS. Will counsel kindly identify himself.

Mr. YOUNG. Benjamin Loring Young, 10 Tremont Street, Boston.

Mr. ARENS. Mr. Chairman, I think the record should reflect that this witness, Mr. Rosenberg, appeared before the Committee on Un-American Activities in June of 1952, was interrogated extensively at that time with reference to his background and activities and affiliations in certain Government agencies. That was in response to testimony which was given to this committee by Miss Elizabeth T. Bentley. In view of the testimony by additional witnesses during this series of hearings, the staff proposes to interrogate Mr. Rosenberg only with reference to certain of his activities. For that reason the interrogation on his entire background will not be extensive.

The CHAIRMAN. Proceed.

Mr. ARENS. Mr. Rosenberg, in view of the statement which I just made for the record with reference to prior interrogation of yourself,

may I ask you if you will just kindly give us the dates and the employment which you have had in various agencies of the Federal Government.

Mr. ROSENBERG. I will do it, sir, to the best of my recollection, since it started in 1936. My first employment with the Federal Government was on an unpaid volunteer basis with the subcommittee of the Committee on Education and Labor of the United States Senate, which was then headed by Senator La Follette, the La Follette Civil Liberties Committee.

Mr. ARENS. That was in what year, please?

Mr. ROSENBERG. 1936. In April of 1937 I transferred—I should say, as I said in my previous testimony, in June of 1952, that I was on the payroll of another agency, the Railroad Retirement Board, but I never worked for that agency. It was an arrangement effected whereby under the resolution S. R. 266, as I recall the number of the resolution, the subcommittee of the Committee on Education and Labor was authorized to use both voluntary unpaid assistants and employees on loan from other agencies.

In April of 1937 shortly after April 12, when the Supreme Court declared the National Labor Relations Act to be constitutional, I transferred to the National Labor Relations Board.

My recollection is that it was in the latter part of April or some 2 weeks after April 12, 1937. I remained at the National Labor Relations Board until December of 1941 when I transferred to an organization which had a number of names, and I can't be sure what the name was when I first transferred to it. I believe it was either the Board of Economic Warfare or the Office of Economic Warfare. At any rate, it shortly became known as the Board of Economic Warfare, and then a couple of years later the Foreign Economic Administration. I resigned from the Foreign Economic Administration in the latter part of 1945 to enter private practice, and I have been in private practice since that time.

Mr. ARENS. I repeat again, Mr. Chairman, it is my impression from information I have from other members of the staff that this witness has not been interrogated extensively with reference to the National Labor Relations Board, so if it meets with the pleasure of the committee we will confine our interrogation at this time to that agency to avoid duplication.

Was your employment with the National Labor Relations Board caused directly or indirectly by any person known by you to have been a member of the Communist Party?

Mr. ROSENBERG. It is difficult for me to say because I don't know exactly what caused my employment with the National Labor Relations Board. I applied for that position there.

Mr. ARENS. Did you know of any person in the National Labor Relations Board prior to your employment there who to your knowledge was a member of the Communist Party?

Mr. ROSENBERG. No.

Mr. ARENS. During your employment in the National Labor Relations Board from 1937 to 1941, did you know a person by the name of Martin Kurasch?

Mr. ROSENBERG. I will decline to answer that question, as I will with respect to other questions of association, on a number of grounds, and perhaps it will save the committee's time if I state them now,

with your permission. I decline on the basis of the first amendment. I also decline on the basis of the fifth amendment with particular respect to the due-process clause of it in view of the nature of these proceedings, and also on the ground that I am not required under that section of the fifth amendment which permits me not to be a witness against myself. I also decline on the ground that the committee is violating in this proceeding the separation of powers doctrine and that it is not engaged in a legitimate legislative purpose. I don't wish to waive other grounds by not claiming them, but those I state now as reason for refusing to answer this and perhaps other questions as they may arise on the same subject.

The CHAIRMAN. You are directed to answer the question.

Mr. ROSENBERG. I decline on all the grounds.

Mr. ARENS. Please tell us the names of the persons with whom you worked at the National Labor Relations Board?

Mr. ROSENBERG. I am going to refer, if I may, to my previous testimony when I testified about that so I can refresh my recollection, which was a lot better in 1952 than it is now. My recollection is that starting at the last part of my employment there, I was assistant to the General Counsel who was at that time Mr. Robert Watts.

Mr. ARENS. Let's pause a moment. Was Mr. Robert Watts a member of the Communist Party?

Mr. ROSENBERG. I have no knowledge of that.

Mr. ARENS. I think, Mr. Chairman, unless other witnesses indicated, it is clear that this question and like questions do not imply that the staff has information that Mr. Watts or other persons concerning whom I may ask questions were members of the Communist Party.

Mr. ROSENBERG. Mr. Chairman, I appreciate that reference to Mr. Watts. I think it is a proper reference. But I would be, as I will be, consistent, and I would like to claim for my same reasons that I enunciated a few minutes ago, all the reasons for refusing to answer. I know very well that I have answered so I can't very well withdraw the answer from the record, but I will claim that on such questions in the future.

As the chairman knows, no inference of guilt is legally to be resumed from such a refusal on my part. I think it is likely so in the case of the people whom you are asking me to mention.

Mr. ARENS. Did you know a person by the name of Joseph B. Robison?

Mr. ROSENBERG. I decline for all the reasons previously given.

Mr. ARENS. Did you know a person by the name of Lester Asher?

Mr. ROSENBERG. The same answer.

Mr. ARENS. David Rein?

Mr. ROSENBERG. The same answer.

Mr. ARENS. Woodrow Sandler?

Mr. ROSENBERG. Same answer.

Mr. ARENS. Jacob H. Krug?

Mr. ROSENBERG. The same answer.

Mr. ARENS. Margaret B. Porter?

Mr. ROSENBERG. Same answer.

Mr. ARENS. Ruth Weyand.

Mr. ROSENBERG. Same answer.

Mr. ARENS. Allen Heald.

Mr. ROSENBERG. Same answer.

Mr. ARENS. Harry Cooper?

Mr. ROSENBERG. Same answer.

Mr. ARENS. Edward Scheunemann, S-c-h-e-u-n-e-m-a-n-n?

Mr. ROSENBERG. Same answer.

Mr. ARENS. Bertram Diamond?

Mr. ROSENBERG. Same answer.

Mr. ARENS. Herbert Fuchs?

Mr. ROSENBERG. Same answer.

Mr. ARENS. Herbert Fuchs testified under oath before this committee a few weeks ago that you and Martin Kurasch and Joseph Robison organized a Communist Party cell within the National Labor Relations Board. Was Mr. Fuchs lying or was he telling the truth?

Mr. ROSENBERG. The same answer.

Mr. ARENS. Are you a member of the National Lawyers Guild?

Mr. ROSENBERG. Yes, sir.

Mr. ARENS. How long have you been a member?

Mr. ROSENBERG. I joined somewhere in 1936 or 1937. I have no recollection as to the date. I still am a member and have been a member continuously.

Mr. ARENS. Have you ever held any office or post in the National Lawyers Guild?

Mr. ROSENBERG. I was the treasurer, I believe, of the District of Columbia Chapter of the National Lawyers Guild some time in the late thirties or the early forties for one term, and I was recently elected in absentia last week or 2 weeks ago to the national executive board of the guild.

Mr. ARENS. Mr. Fuchs testified that you assisted him in securing employment in the Board of Economic Warfare. Is that correct?

Mr. ROSENBERG. The same answer.

Mr. ARENS. Mr. Rosenberg, what is your wife's name?

Mr. ROSENBERG. My wife's name is Erna.

Mr. ARENS. Has she ever been employed by the Federal Government?

Mr. ROSENBERG. Yes, she has.

Mr. ARENS. Where was she employed?

Mr. ROSENBERG. Rural Electrification Administration.

Mr. ARENS. Over what period of time was she employed by that agency?

Mr. ROSENBERG. Some time in 1935 or 1936 to 1940, I believe.

Mr. ARENS. Is that the only employment in the Federal Government she has had?

Mr. ROSENBERG. As far as I know.

Mr. ARENS. Who was your immediate predecessor in your position at the National Labor Relations Board?

Mr. ROSENBERG. I think you give me too much credit, Mr. Arens. I don't know that I had a position or office which was one which would be filled by——

Mr. ARENS. Did you ever occupy the position that Mr. Fuchs had at one time?

Mr. ROSENBERG. I will tell you what I did there. I don't wish to answer, for the reasons stated, anything about Mr. Fuchs. I was in the Review Division for a very short time. Whether it was 3 or 4 or 5 months I don't know. I was also in other divisions of the Board, and if you are going to ask me about them, I would be glad to tell you.

Mr. ARENS. Did you ever sign a loyalty oath while you were employed by the Federal Government?

Mr. ROSENBERG. I have no recollection of it.

Mr. ARENS. Were you ever the subject of a loyalty investigation?

Mr. ROSENBERG. I suppose there were various checks that were made, but I have no recollection of the kind of thing which involved interrogatories, about which you asked other witnesses.

Mr. ARENS. What were your duties at the National Labor Relations Board?

Mr. ROSENBERG. In the Review Division the duties you have already heard recounted by other witnesses. I was an assistant to the secretary, and in that capacity——

Mr. ARENS. Who was he, please, sir?

Mr. ROSENBERG. The first secretary to whom I was an assistant was named Benedict Wolf.

Mr. ARENS. Who was the next one?

Mr. ROSENBERG. The next one, sir, I will decline to name for all the reasons I have previously mentioned.

Mr. ARENS. Do you mean to tell this committee if you told the truth as to who was the secretary of the National Labor Relations Board when you were employed there you would be giving information which could be used against you in a criminal proceeding?

Mr. ROSENBERG. I mean to tell this committee and you, sir, that I am entitled to refuse to answer that question, not because I am guilty of anything or not because I would not be acquitted in any kind of prosecution that might be brought against me, but because the Constitution gives me that right and I assert it.

Mr. ARENS. Were you ever guilty of membership in a criminal conspiracy to overthrow the Government of the United States by force and violence?

Mr. ROSENBERG. I decline to answer that, sir, for all the grounds I have previously stated.

Mr. ARENS. Will you kindly state to this committee whether or not you honestly apprehend that if you told this committee who was the secretary of the National Labor Relations Board you would be supplying information which would be used against you in a criminal proceeding?

Mr. ROSENBERG. I apprehend, sir, that there is a reasonable ground in view of the fact that the secretary's name has been mentioned in many connections and by you earlier, as a Communist agent, that if you require me or if I am required by this committee to testify anything about my knowledge or acquaintance with the secretary, I would be compelled in violation of my claim of rights under the fifth amendment to testify against myself and possibly subject myself to an unjust prosecution, and for that reason and for all the others previously stated, I decline.

Mr. ARENS. I observe your use of the word "unjust prosecution." If you would be prosecuted for membership in a criminal conspiracy under the Smith Act or under the Internal Security Act or under the Communist Control Act of 1953, would that be an unjust prosecution?

Mr. ROSENBERG. I refer you to one sentence in a case which this committee initiated and which eventuated in a decision of the Supreme Court.

Mr. KEARNEY. I ask that the witness be directed to answer.

Mr. ROSENBERG. I am answering. "If an answer to a question may tend to be incriminatory a witness is not deprived of the protection of the privilege and, if subsequently prosecuted, could perhaps refute any inference of guilt arising from the answer."

That is in the case of Julius Emspak, petitioner, against the United States, October Term, 1954, decided May 23, 1955, in which I was counsel.

Mr. ARENS. The truth is you were the right-hand man to Nathan Witt while he was secretary of the National Labor Relations Board, were you not?

Mr. ROSENBERG. You may state what you think the truth is, but I am not required to answer.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that you were the right-hand man to Nathan Witt while he was secretary of the National Labor Relations Board.

Mr. ROSENBERG. I don't accept your statement of fact, sir.

Mr. ARENS. Is that untrue?

Mr. ROSENBERG. I decline to answer for all the reasons previously given.

Mr. ARENS. Have you ever applied for a passport?

Mr. ROSENBERG. Yes, sir.

Mr. ARENS. Did you ever receive a passport?

Mr. ROSENBERG. Yes, sir.

Mr. ARENS. In your passport application did you allege that you were not a member of the Communist Party or any organization dedicated to the overthrow of the Government of the United States by force and violence?

Mr. ROSENBERG. Sir, I applied for the passport in 1930 and obtained one. I applied for a passport, I presume—I don't remember how the matter was raised—when I was employed by the Government. I have no recollection of what is on the passport application.

Mr. ARENS. Have you ever taken an oath of allegiance to the United States?

Mr. ROSENBERG. Yes, sir; and I would take it again.

Mr. ARENS. Have you ever been a member of an organization dedicated to the destruction of the Constitution of the United States and the overthrow of the Government of the United States by force and violence?

Mr. ROSENBERG. I have already stated that I will decline to answer that question—I think I have already refused to answer it—on all the grounds previously stated.

Mr. ARENS. You went overseas for the Foreign Economic Administration, did you not?

Mr. ROSENBERG. Yes, sir.

Mr. ARENS. Did you have access to confidential or restricted information?

Mr. ROSENBERG. When I went overseas?

Mr. ARENS. Yes, sir.

Mr. ROSENBERG. I will decline to answer that for all the reasons previously stated.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question.

The CHAIRMAN. What is the question?

Mr. ARENS. The question is whether or not he had access to confidential, restricted information while he was employed by the Federal Government in the Foreign Economic Administration.

The CHAIRMAN. You are directed to answer the question.

Mr. ROSENBERG. I decline, the same answer, for all the reasons previously stated.

Mr. ARENS. Did you in the course of your employment at the National Labor Relations Board have access to confidential or restricted information?

Mr. ROSENBERG. Well, sir, it is difficult to answer that question. I don't know of any official classification of secret, confidential, or classified information at the National Labor Relations Board. I presume that, like the proceedings of all judicial boards, there were confidential matters there to which I had access, but by and large it was the straight administrative process of administering the National Labor Relations Act in public hearings.

Mr. ARENS. Did you in the course of your employment in the Federal Government ever transmit to a person not entitled by law to receive the same, information which you acquired in the course of your employment?

Mr. ROSENBERG. I decline for all the reasons previously stated.

Mr. ARENS. Have you ever been guilty of espionage?

Mr. ROSENBERG. I testified in 1952 and I restate now that I am not guilty of any crime. I have not violated the Espionage Act. I assert my innocence.

Mr. ARENS. Have you been innocent of membership in a criminal conspiracy to overthrow the Government of the United States by force and violence?

Mr. ROSENBERG. I am not required to answer that question and the fact that I claim the privilege does not rebut the presumption of innocence. It goes with me. You know it.

Mr. ARENS. Do you honestly apprehend if you gave a truthful answer as to whether or not you have been engaged in transmitting information which you procured in the course of your employment to persons not authorized by law to receive the same, that you would be giving information which could be used against you in a criminal proceeding?

Mr. ROSENBERG. I have answered that question with respect to Mr. Witt.

Mr. ARENS. I ask it again.

Mr. ROSENBERG. I adopt and repeat that answer to the question you asked me about Mr. Witt.

Mr. ARENS. Mr. Chairman, it is my understanding, although I have not studied the record, that this witness has been extensively interrogated with reference to his employment in all the agencies of the Government except the NLRB, which we have now concluded. Therefore, I would respectfully suggest unless there is some area in which the committee, on the basis of its recollection, feels he should be interrogated, the witness might well be excused.

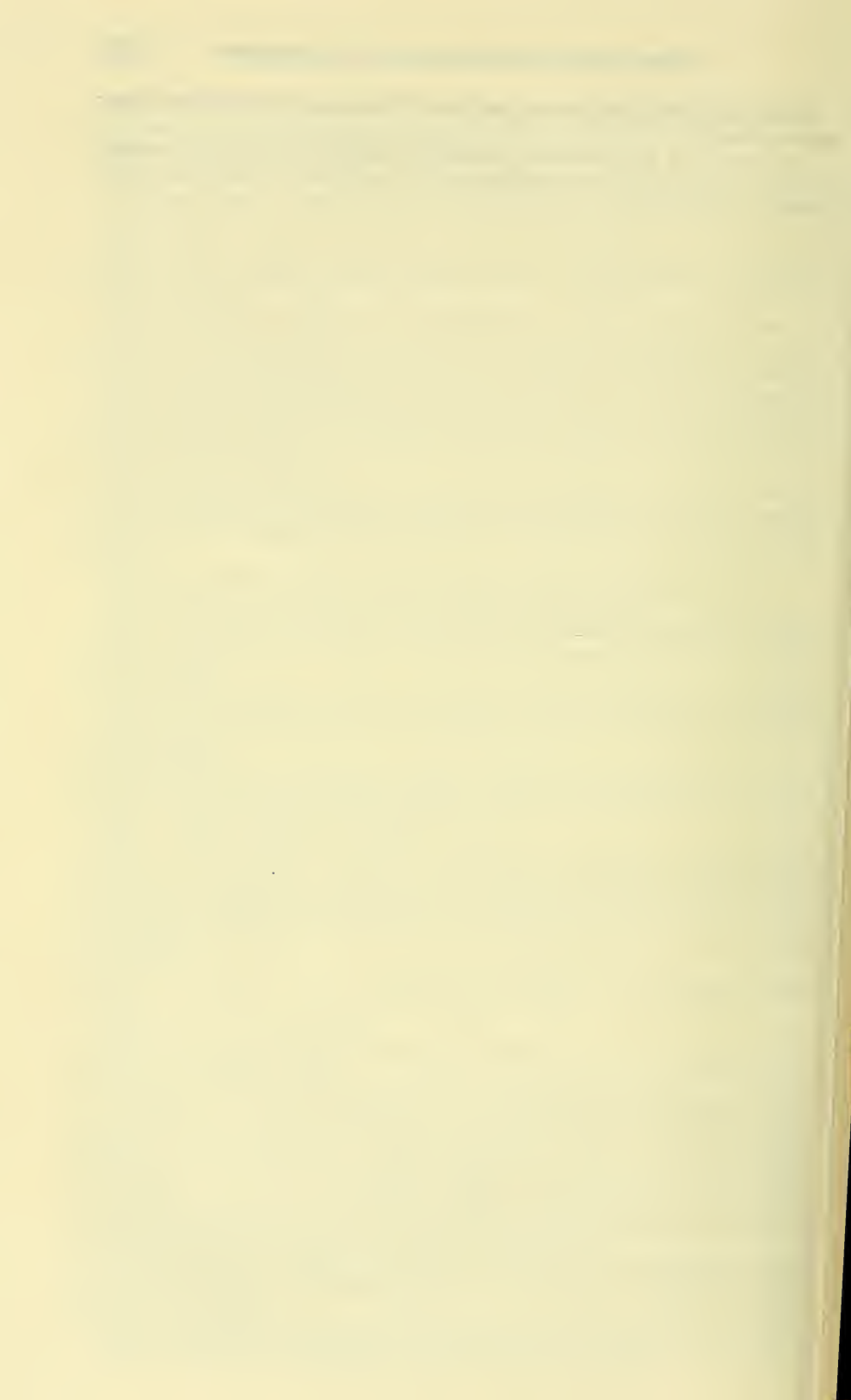
The CHAIRMAN. When you went to Europe as a member of the Foreign Economic Administration were you then a member of the Communist Party?

Mr. ROSENBERG. I decline, sir, for all the reasons previously stated.

The CHAIRMAN. All right. The witness is excused.

The committee is adjourned, and we will meet on Thursday morning at 10 o'clock.

(Whereupon, at 3:40 p. m., Tuesday, February 21, 1956, the committee was recessed, to reconvene at 10 a. m., Thursday, February 23, 1956.)



INVESTIGATION OF COMMUNIST INFILTRATION OF GOVERNMENT—Part 4

THURSDAY, FEBRUARY 23, 1956

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D. C.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met at 10:05 a. m., pursuant to recess, in the caucus room, Old House Office Building, Hon. Francis E. Walter (chairman) presiding.

Committee members present: Representatives Francis E. Walter, of Pennsylvania (presiding); Clyde Doyle, of California; James B. Frazier, Jr., of Tennessee; Edwin E. Willis, of Louisiana; Bernard W. Kearney, of New York; and Gordon H. Scherer, of Ohio.

Staff members present: Richard Arens, acting counsel, and Courtney E. Owens, investigator.

The CHAIRMAN. The committee will be in order.

Call your first witness, Mr. Arens.

Mr. ARENS. The first witness, if you please, Mr. Chairman, will be Ruth Weyand Perry. Will she kindly come forward?

Please remain standing.

The CHAIRMAN. Will you raise your right hand, please. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Miss WEYAND. I do.

The CHAIRMAN. Sit down, please.

TESTIMONY OF RUTH WEYAND (PERRY), ACCOMPANIED BY COUNSEL, CLIFFORD D. O'BRIEN

Mr. ARENS. Will you please identify yourself by name, residence, and occupation?

Miss WEYAND. I am Ruth Weyand Perry. I am usually known in the profession by my maiden name, as Miss Ruth Weyand. I live at 1309 22d Street NW., Washington, D. C. I am a lawyer by profession.

Mr. ARENS. And you are currently practicing law here in Washington?

Miss WEYAND. My main office is in Chicago, Ill. I have a branch office here in Washington.

Mr. ARENS. Would you prefer that we call you Mrs. Perry?

Miss Weyand. I prefer Miss Weyand, if you please.

Mr. ARENS. Miss Weyand, you are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Miss WEYAND. That is correct.

Mr. ARENS. That is a subpoena duces tecum?

Miss WEYAND. That is correct.

Mr. ARENS. Miss Weyand, did you bring with you the documents required or requested or commanded in the subpoena?

Miss WEYAND. I have a statement to make in regard to that, if you please.

Mr. ARENS. May we hold that in abeyance, then, for a moment until we let the record reveal the appearance of counsel. You are represented by counsel?

Miss WEYAND. I am. Mr. Clifford O'Brien, my law partner is representing me.

Mr. ARENS. Mr. O'Brien, would you please identify yourself for the purpose of the record?

Mr. O'BRIEN. My name is Clifford O'Brien. I am a lawyer, practicing in Chicago, Ill. I maintain my offices at 343 South Dearborn in that city, and I also have a small office here in Washington, D. C., in the Dupont Circle Building.

Mr. ARENS. Would you just please, for purpose of identification, give us the name of the firm?

Mr. O'BRIEN. We practice under the name of Law Offices of Clifford D. O'Brien.

Mr. ARENS. Miss Weyand, would you kindly respond to the query respecting the production of the documents which were called for. The subpoena called for you to supply the following documents received by you from the Federal Government, or any agency thereof, or compiled by you as a result of receiving such documents: (a) The letters of—

Excuse me just a moment. Mr. Chairman, I wonder if we could have a little quiet. There is a conversation back there that makes it difficult for us to hear. May we suspend for just a moment.

(a) Letters of charges issued under then current Government employees loyalty program or any appropriate act of Congress; (b) your reply or replies to such charges; (c) transcripts of testimony and/or hearings resulting from such charges; and (d) decisions resulting from such testimony or hearings.

May I ask you, do you now have in your possession for production before the committee the documents called for in this subpoena duces tecum?

Miss WEYAND. I would like to make the following statement—

The CHAIRMAN. We don't want a statement. Answer the question. Have you brought these papers or have you not?

Miss WEYAND. I would like to make a statement and introduce some correspondence with Dwight Eisenhower, President of the United States, before I answer your question.

The CHAIRMAN. We are not going to hear that statement. Is this the statement that you sent to the members of the committee?

Miss WEYAND. No. This is not the statement I sent to the members.

The CHAIRMAN. Then answer the question whether or not you produced the papers that you were subpoenaed to produce.

Miss WEYAND. I wrote Dwight Eisenhower——

The CHAIRMAN. Did you or did you not produce these papers?

Miss WEYAND. I would like to make a statement and explain.

The CHAIRMAN. We won't hear the statement. We want a response to the question.

Miss WEYAND. I am declining to produce them for the reasons which I will state.

The CHAIRMAN. In other words, you have not produced the documents? You did not produce them in compliance with the terms of the subpoena duces tecum?

Miss WEYAND. I am obeying an order of the President of the United States which directs me not to produce these documents, which I would like to read into the record.

The CHAIRMAN. Never mind. We know about that. The answer is that you did not produce these papers?

Miss WEYAND. The answer is that I, upon receiving this, consulted counsel and I am acting on the advice of counsel in respect to my position here.

The CHAIRMAN. Do you produce them or do you not? Have you got them there?

Miss WEYAND. I would like to explain.

The CHAIRMAN. No; never mind the explanation. The question is very simple: Did you produce the papers or did you not?

Miss WEYAND. I have not produced those papers.

The CHAIRMAN. All right. Go ahead.

Mr. ARENS. Miss Weyand, please give us a thumbnail sketch of your educational background. By thumbnail sketch I mean where you were educated and the approximate dates.

Miss WEYAND. I started in public school at the University of Puerto Rico, the school maintained for the children of Puerto Rico at Rio Piedras, P. R., in 1918. I then attended public schools at Liberty, Mo., from 1920 to 1926. I then attended William Jewell College from 1926 to 1927. I then attended the University of Minnesota for one term in the summer of 1927. I then attended Louisiana Polytechnic Institute, where my father was head of the department of social science, in 1927-28. I then went to the University of Chicago from which I took my Ph. D. in 1930, and my J. D. as doctor juris in 1932.

Mr. ARENS. May I interpose at this place, if you please. You graduated cum laude, with high honors, from the University of Chicago; did you not?

Miss WEYAND. Yes; I did.

Mr. ARENS. You were a member of Phi Kappa Delta; is that correct?

Miss WEYAND. The Order of Coif was the honorary society for law students. I was a member of a Kappa Beta Pi which was a legal sorority. I don't keep the names of all these Greek letter sororities and fraternities in mind.

Mr. ARENS. The Order of Coif was the order at the University of Chicago which consisted of the students in the higher echelon of the class?

Miss WEYAND. In the law school, that is correct.

Mr. ARENS. Did that complete your formal education when you received your degree at the University of Chicago?

Miss WEYAND. That did.

Mr. ARENS. Tell us, if you please, the bar associations or the States or jurisdictions to which you are admitted to practice law.

Miss WEYAND. I was admitted in Illinois in 1933, Supreme Court of the United States in 1936, District Court for the Northern District of Illinois, 1937, United States Court of Appeals for the Seventh Circuit 1937, the United States Court of Appeals for the Fourth Circuit in 1939, United States Court of Appeals for the Ninth Circuit in 1939, United States Court of Appeals for the Eighth Circuit in 1941, the United States Court of Appeals for the District of Columbia in 1941, the United States Court of Appeals for the Third Circuit in 1953, the United States District Court for the Northern District of Ohio in 1952, the United States District Court for the Eastern District of Pennsylvania in 1951, I believe.

There may be a couple other courts of appeals. There are 11 in all. They are not all there.

Mr. ARENS. Kindly recite the bar associations of which you are a member or have been a member.

Miss WEYAND. I joined the Chicago Bar Association in 1933 and I have continued an active resident membership in the Chicago Bar Association to date.

I joined the National Association of Women Lawyers in the 1930's and I have maintained a continuous membership to date.

I joined the Federal Bar Association in 1939 and dropped that after I left the Government in 1950.

I joined the American Bar Association and am a member of that at the present time, the American Bar Association.

I joined the National Lawyers Guild in 1936 and my membership lapsed through lack of payment of dues as a result of dissolution or failure to maintain a local chapter here after 1950.

Mr. ARENS. Would you pause there just a moment, please, Miss Weyand, to tell us what posts or offices you have held in the National Lawyers Guild.

Miss WEYAND. Yes. I was elected as the representative for women in the bar to the post of membership in the national executive board at the first convention of the guild held in February 1937. I was re-elected to membership on the national board in 1938. I was elected treasurer in either 1939 or 1940. I forget the year. After that—

Mr. ARENS. May I interpose this comment or question.

Miss WEYAND. I can check the year if it is important to you.

Mr. ARENS. Was the treasurer post which you held of the local Washington chapter or of the national organization?

Miss WEYAND. It was the National Guild for 1 year and in a subsequent year, the succeeding year, of the local. I was treasurer 1 year, either 1939-40 or 1940-41. I could check it but I don't know right at the moment which year.

After that I ceased to be a member of the board or to hold any office in the National Guild for a period of time. I was thereafter elected to the National Board in—I am not certain of the year. I was reelected in 1946 when I became president of the District of Columbia chapter of the guild and continued on the board for a couple of years.

If it is important to you I have the files here and can check the exact year.

Mr. ARENS. Were you also identified in the course of your legal career with the International Juridical Association?

Miss WEYAND. I was a subscriber to its bulletin. I also allowed my name to be used as a member of a committee which consisted solely of persons of prominence who were sponsors in the sense that they advocated to young lawyers and other people that they subscribed to the bulletin.

Mr. ARENS. Were you active in any of the organizational work of the International Juridical Association?

Miss WEYAND. I never took part in any organizational activity and never attended a committee or any meeting of the International Juridical Association in my life.

Mr. ARENS. In your career in the practice of the law and in the work of various lawyers' associations, have you ever identified yourself with the Lawyers Committee on American Relations with Spain?

Miss WEYAND. I allowed my name to be used with a list of several hundred very prominent people, including Congressmen, Senators, and judges, as one of the signers of a petition dealing with the sending back of the Ambassador to Spain at the time we sent our Ambassador back to China and insisted that he stay there although Japan was attacking them. I thought the same position should apply to our Ambassador to Spain. I signed a legal brief along with several hundred other prominent lawyers. That is the only connection I ever had with any committee on Spain. The name of the organization you gave me—I am not certain. Would you give that name again?

Mr. ARENS. The Lawyers Committee on American Relations with Spain.

Miss WEYAND. Would you mind if I check?

Mr. ARENS. You go right ahead. I wish you would, if you would please, give us the best date that comes to your mind on the time at which you were identified in the capacity which you have described with this organization.

Miss WEYAND. If you will give me a minute. I have here the only thing I ever signed.

(The following members of the committee were present: Representatives Walter, Doyle, Frazier, Willis, Kearney, and Scherer.)

Miss WEYAND. The Lawyers Committee on American Relations with Spain.

Mr. ARENS. Would you kindly repeat that?

Miss WEYAND. The Lawyers Committee on American Relations with Spain.

Mr. ARENS. Yes. If you please, will you kindly give us the date on which you were identified with that organization?

Miss WEYAND. It was in November 1938.

Mr. ARENS. Thank you.

In the course of your association with professional organizations did you have occasion to associate yourself with the Washington Bookshop?

Miss WEYAND. I did not consider that that was an association based on any professional relationship. I would like to explain, if I may, how I happened to take out a subscription in the Bookshop and the only use which I ever made of it. I never attended a meeting of the bookshop of any sort.

The CHAIRMAN. You were merely asked whether or not you were a member, not whether you attended any meetings.

Miss WEYAND. I was asked whether in my professional association I joined it, and I did not think it had anything to do with my being a lawyer that I happened to maintain a membership for the purpose of getting a discount on books which I bought every Christmas and my memberships will show that you got a 20-percent discount on books if you were a member. I bought children's books——

Mr. ARENS. Will you kindly tell us whether or not you were a member of the Washington Bookshop?

Miss WEYAND. I was a member of the Washington Bookshop.

Mr. ARENS. Will you kindly tell us the date?

Miss. WEYAND. I am not certain of the exact date on which I joined. My first membership card which I have expired in 1941, and it is signed by the man who solicited me to join, one Dave McCalmont, M-c C-a-l-m-o-n-t. I can get out the card and give you the exact date if you would like to have it. He at that time was very active in the consumers' cooperative movement in Washington. He was much offended that he did not believe the bookshop was being run according to cooperative lines. I had solicited Mr. McCalmont to join the National Association for the Advancement of Colored People. He turned around and said:

Now you join an organization I am active in. I want to get the Communists out of the bookshop. I think you should join the bookshop.

He was sharing an office with me at the Labor Board at that time. I gave him a dollar for a membership card. I got their literature. Their literature was book lists and the amount of discount you got for having those books, and thereafter my cards were dated in December, and I have sizable canceled checks which show the list of the books which I got for my friends' children—Little Women, Arabian Nights. They had lovely copies which you could get at 20 percent discount. If you included your membership in there you saved money because you could get a 20-percent discount if you were a member, and you didn't get a 20-percent discount if you weren't a member.

If I went and bought \$20 worth of books I would have to pay \$20, if I wasn't a member, and \$19 if I was a member by paying a dollar membership.

The CHAIRMAN. What question are you answering?

Miss WEYAND. My relationship with the bookshop, if you please.

Mr. ARENS. Ma'am, were you ever identified with the Chicago Civil Liberties Committee?

Miss WEYAND. I was a member of the Chicago Civil Liberties Committee.

Mr. ARENS. Could you tell us, if you please, what years you were identified with the Chicago Civil Liberties Committee?

Miss WEYAND. To the best of my recollection it was not certainly before 1935. It might not have been until 1936 or 1937. I continued membership in the Civil Liberties Committee up through the fifties.

Mr. ARENS. Did you ever hold an office or post in the Chicago Civil Liberties Committee?

Miss WEYAND. I was never an officer in the Civil Liberties Committee. I did once serve on its committee on censorship.

Mr. ARENS. In what capacity did you serve on the committee on censorship?

Miss WEYAND. Just as a member of the committee; nothing else.

Mr. ARENS. Who was to be censored?

Miss WEYAND. It was a matter of protesting the censorship of moving pictures.

Mr. ARENS. Now would you kindly trace in chronological form, again just in thumbnail-sketch pattern, the employments which you have had since you completed your formal education in 1932 at Chicago University School of Law?

Miss WEYAND. If you would like it exact, I can refer to my file.

Mr. ARENS. No; not by the month, but just the approximate time. Say that in 1932 you became associated, and so on.

Miss WEYAND. Very well. In 1932, at the time I graduated from the University of Chicago Law School, I was then employed by the University of Chicago and had been employed throughout my 3 years at law school as an assistant to one of the professors. I was too young to get admitted to the bar. I petitioned the Supreme Court of Illinois to allow me to take the examination, but I was unable to get my license until I turned 21. Professor Bogert, B-o-g-e-r-t, kept me on as a research assistant and I wrote several of his volumes on Bogert on Trusts with him. I stayed on in that capacity until I was able to get my license by reaching the appropriate age. At that point I applied for a job and was hired by the firm of Gardner & Carton at that time and was in the firm of Gardner & Carton, and Gardner, Carton & Douglas very shortly thereafter.

Mr. ARENS. May I interpose this observation. Was that in 1933?

Miss WEYAND. That was in 1933.

Mr. ARENS. 1933, then, you became an employee of the law firm of Gardner & Carton, is that correct?

Miss WEYAND. Gardner & Carton was the then name of it. Under Secretary of the Treasury Douglas, who was a Republican Under Secretary of the Treasury, resigned that summer, the New Deal having come in, and the name was changed to Gardner, Carton & Douglas. I wouldn't know the exact date of the change of names.

Mr. ARENS. Then would you give us the next employment or occupation.

Miss WEYAND. White & Hawxhurst.

Mr. ARENS. That was when, Ma'am? About 1935?

Miss WEYAND. That was 1933-35. Toward the end of 1933 Dean Bigelow, of the University of Chicago, was trustee of the Insull Utilities Investment and winding up the utilities thing and he wanted me to work with him in \$55 million in suits on debentures—

Mr. ARENS. May I interpose this comment: I don't mean to be at all discourteous. Would you just confine, at least for the moment, your recitation to the chronology of your various employments and let us eliminate any extraneous references to various lawsuits that may have been handled by the firm.

We are in 1935 and you were engaged by the law firm of White & Hawxhurst.

Miss WEYAND. That is right.

Mr. ARENS. Would you kindly give us the next employment you had and the approximate date.

Miss WEYAND. 1935-1938, Moses, Kennedy, Stein & Bachrach.

Mr. ARENS. Where was that?

Miss WEYAND. That was Chicago, Ill.

Mr. ARENS. Will you kindly give us the next employment that you had?

Miss WEYAND. Then I obtained a position with the National Labor Relations Board in 1938.

Mr. ARENS. For the instant not covering the various assignments which you had in the National Labor Relations Board, your association there, tell us how long you were identified as an employee of the National Labor Relations Board.

Miss WEYAND. My active service continued through March 30, 1950, without interruption.

Mr. ARENS. Could you tell us then what employment or occupation you had after March of 1950? Did you immediately become engaged in the practice of the law again?

Miss WEYAND. Yes, immediately.

Mr. ARENS. Is that the same practice association which you have at the present time?

Miss WEYAND. I started in on part-time basis with Mr. O'Brien, who got in touch with me as soon as he read in the newspapers that I was leaving the Government and went to Chicago immediately, and I did some part-time work and then fuller work and then an employee of the firm, and then a partner in the firm.

Mr. ARENS. Now will you give us, if you please, without any extraneous details at the moment, the various assignments which you held within the National Labor Relations Board after you became an employee there in 1938—just the various positions which you held.

Miss WEYAND. I couldn't give you the exact titles.

Mr. ARENS. Your best recollection, certainly.

Miss WEYAND. I went there as an attorney in the Enforcement Section. I remained in the Enforcement Section without assignment to any other section for the full 12 years that I was with the Government. Shortly after I went there I was detailed on a special detail to the Associate General Counsel for the purpose of arguing only cases in the United States courts of appeals. That special detail remained in effect—

Mr. ARENS. Go ahead. I am listening. I want to make a little comment to my associate.

Miss WEYAND. That special detail to argue cases in the United States courts of appeals remained in effect until 1941, around July of 1941. In July of 1941 I was detailed to the supervision of the preparation of briefs and training other attorneys in the presentation of court arguments and supervising their presentation of arguments in the courts. I was formally made a supervisor in the Enforcement Section about in September of 1941. In 1942 I was made Chief of the Supreme Court Section. In 1947, after Taft-Hartley was passed, I was put in charge of the whole Enforcement Section, the assignment of cases and the direction of all briefing, as well as carrying the Supreme Court Section.

In 1948 I was made Assistant General Counsel in charge of Supreme Court matters.

Mr. ARENS. How many cases would you say you personally supervised or argued, as the case may be, for presentation before the Supreme Court of the United States while you were identified with the National Labor Relations Board?

Miss WEYAND. Approximately 40 cases on the merits, some 100 cases on petitions for certiorari and opposition which were not heard on the merits.

Mr. ARENS. How many cases did you actually physically appear before the Court?

Miss WEYAND. I argued nine cases personally in front of the whole bench, not counting the cases on which I appeared in chambers before individual justices.

Mr. ARENS. Please tell us who was Secretary of the National Labor Relations Board when you assumed your first station there in 1938. Do you recall?

Miss WEYAND. I think B. Stern was. If I look at my documents, the appointment is signed by B. Stern as Secretary.

Mr. ARENS. Do you recall who B. Stern's successor was as Secretary?

Miss WEYAND. I never had anything to do with the Secretary's Office and I would not be able to give you a chronology on the Secretary's Office.

Mr. ARENS. During the course of your employment in the National Labor Relations Board from 1938 until 1950 you maintained at all times your association and activity in the National Lawyers Guild; is that correct?

Miss WEYAND. That is correct. It was varied activity. At times I didn't hold office. There were some years I was not very active. But I was a member throughout the period and in some parts of it I was extremely active.

Mr. ARENS. Was there any period during your association with the National Lawyers Guild when certain prominent people resigned from the National Lawyers Guild and condemned certain actions and courses which were taken by the National Lawyers Guild?

Miss WEYAND. There was a resignation by Ferdinand Pecora, who had been president of the Lawyers Guild 1 year. If you will let me check my files, I will give you the exact date and the names of the people. If I may, if you don't mind.

Mr. ARENS. That will be very fine.

Miss WEYAND. In February of 1939 Ferdinand Pecora, known to you as Judge Pecora of the United States district court at that time, in New York, had been president of the Lawyers Guild during the year of 1938-39. During 1938-39 the Spanish issue had been a very hot issue in which the membership——

Mr. ARENS. Ma'am, would you kindly answer the question as to whether or not you were associated with the National Lawyers Guild at the time that there were several resignations by prominent people in protest to the actions and courses taken by the National Lawyers Guild?

Miss WEYAND. I have here a press release signed by Judge John Gutknecht which denies the stories.

Mr. ARENS. Would you kindly answer the question. You are not afraid to answer that question; are you?

Miss WEYAND. I want to explain who resigned. There is a lot of misunderstanding about who and what.

The CHAIRMAN. You haven't been asked for an explanation.

Miss WEYAND. I remained a member of the guild after one prominent member, a prominent Catholic, very annoyed at the position on Spain, resigned.

Mr. ARENS. Did you also continue your membership and activity in the National Lawyers Guild when there were resignations by other prominent people in protest of the courses of action taken by the National Lawyers Guild?

Miss WEYAND. I know of no other resignations by prominent people in protest over actions taken by the Lawyers Guild and at the time I was a member there were prominent Federal judges continuously members at all times.

Mr. ARENS. Ma'am, did you continue your affiliation with the Lawyers Guild after it had been cited by the House Committee on Un-American Activities as a legal arm of the Communist Party?

Miss WEYAND. I never paid any attention. The Attorney General never cited it and the courts even say Attorney Generals' citations have no probative value.

Mr. ARENS. Would you kindly answer the question? Did you continue your affiliation, activities and associations in the National Lawyers Guild after that organization, the National Lawyers Guild, had been cited by the House Committee on Un-American Activities as the legal arm of the Communist Party?

Miss WEYAND. If you will tell me what date it was. I knew nothing about its being cited. I don't know whether I did or not. I don't know what date it was.

The CHAIRMAN. Just a moment. What was the date of the citation?

Mr. ARENS. It was in 1950. How long did you maintain your identity with the National Lawyers Guild?

Miss WEYAND. I never paid dues after 1949.

Mr. ARENS. That was the answer to the question.

Miss WEYAND. I didn't know when it was cited.

Mr. ARENS. During the course of this work which you performed with the argument of cases in the Supreme Court, while you were with the National Labor Relations Board, did you associate yourself in the work or were you associated with Joseph B. Robison, R-o-b-i-s-o-n?

Miss WEYAND. I worked with whomever the Board assigned to work with me on the cases.

Mr. ARENS. Now, would you kindly answer the question. Were you associated with Joseph Robison?

Miss WEYAND. The Board assigned Joseph B. Robison to work on certain cases which I was assigned to work on.

The CHAIRMAN. Then the answer is "Yes?"

Miss WEYAND. Yes. It was not a voluntary association, although I had nothing to do with who I associated with.

Mr. ARENS. What was your appraisal of Joseph B. Robison?

Miss WEYAND. I thought he was one of the most able and honest men I had ever worked with.

Mr. ARENS. And you regarded him as a good associate in the work; is that correct?

Miss WEYAND. I did. I certainly did.

Mr. ARENS. Have you become in the course of your work associated with Allan Rosenberg?

Miss WEYAND. Through assignments of the Board I worked on cases that Allan Rosenberg worked on.

Mr. ARENS. Now would you give us your appraisal of Allan Rosenberg?

Miss WEYAND. He was an exceptionally able, fine, and capable lawyer.

Mr. ARENS. And how would you appraise, if you had occasion to reach a conclusion in your own mind, his honesty and patriotism?

Miss WEYAND. He was honest and patriotic, as far as everything I ever saw about him.

Mr. ARENS. Is that patriotic appraisal applicable with equal force and effect to Joseph B. Robison?

Miss WEYAND. It is indeed.

Mr. ARENS. Did you have occasion in the course of your work to become associated with Martin Kurasch, K-u-r-a-s-c-h?

Miss WEYAND. I did.

Mr. ARENS. Would you kindly give us your appraisal of Martin Kurasch?

Miss WEYAND. Everything I saw of him was absolutely fine and high-class. I never found any basis to criticize any 1 of these 3 people. I rated their work on occasion and always gave them excellent ratings and that was my honest judgment at that time.

Mr. ARENS. Would you kindly give us your estimate of Martin Kurasch as to his patriotism?

Miss WEYAND. From everything I have ever seen he was an entirely loyal citizen of the United States and I never found any basis to make any notation of anything wrong with him on the records that I sent through to the Board on my rating of the work and my associations with them.

Mr. ARENS. Would you kindly give us a comparable appraisal, if you have one, of a person by the name of David Rein?

Miss WEYAND. David Rein I did not personally work with except that he was a trial attorney in one case, the Weirton case in which there was 39,000 or 40,000 page record, in connection with getting ready for some hasty court appearances I had on occasion to associate with him. He was never anybody I had to rate. In my associations with him working on that case I saw nothing to suggest that he wasn't a fine, capable, loyal Government employee.

Mr. ARENS. Did you have occasion to visit David Rein in his home?

Miss WEYAND. I believe I have been in David Rein's home on social occasions.

Mr. ARENS. Did you have occasion to be at any sessions with David Rein and—his wife's name, please?

Miss WEYAND. His wife's name is Selma.

Mr. ARENS. And his wife, Selma—other than their home or at work?

Miss WEYAND. David Rein and my brother were in the same officers' candidate school at Quantico. They were training as officers in the Marine Corps. My brother lost his life at Iwo Jima. Selma and I used to go down there to see our brother and husband who were down at Quantico training that summer. That is where I got acquainted with Selma, and my association with Selma grew entirely out of my visits to Quantico, my only brother being there in training.

Mr. ARENS. Is it safe to conclude from what you say that you were close to the Reins, David Rein and his family?

Miss WEYAND. I was closer to some 100 other Government employees than I was to David Rein and his family. I knew a lot of them socially and I was not particularly close to David Rein and his family.

Mr. ARENS. Did you have occasion to become associated in the course of your work there with a person by the name of John Porter?

Miss WEYAND. I knew John Porter. He was an associate with David Rein as a trial attorney in the Weirton case and my association and work with John Porter was the same as with David Rein. He was one of the attorneys who helped try the Weirton case.

Mr. ARENS. Would you kindly give us your appraisal of John Porter on the basis of your association with him there?

Miss WEYAND. At the time I knew John Porter he was with the Department of Justice, a very highly regarded attorney at the Department of Justice. I had to consult him about some things I didn't understand in the Weirton record. As far as I saw him and knew from his associates in the Department of Justice, he was very highly regarded as a fine attorney. I never had to rate his work. I never had to make a judgment of him because my association at the Board was through the Weirton case. He left the Board very early and I had very little to do with him.

Mr. ARENS. Then you do not feel, I take it, that your association with John Porter was sufficient to give you a basis upon which to exercise a sound judgment as to his loyalty and efficiency; is that correct?

Miss WEYAND. In dealing with him, in all dealings I found him an intelligent, capable, lawyer. I never had any basis—everything I saw was all right. I never discussed anything that would raise any questions with him about loyalty or anything of that sort.

Mr. ARENS. Ma'am, would you kindly tell us who of these persons whom we have just been discussing—your associates there in the capacities which you have recited—were likewise your colleagues or associates in the National Lawyers Guild?

Miss WEYAND. Joe Robison was treasurer of the Lawyers Guild and David Rein was secretary the year that I was president of the District chapter. We had a very active District chapter, with some 400 Government employees, including local judges and the general counsels of almost every Federal agency. I was very proud of my work the year I was president.

Mr. ARENS. Would you kindly just answer the question with reference to these people who were likewise associated with you in the National Lawyers Guild?

Miss WEYAND. The 400 prominent lawyers who were the members, at the time they elected me as president, elected Robison and Rein.

Mr. ARENS. I take it, Ma'am, your little detour there indicates a degree of pride on your part because of the association with the National Lawyers Guild, is that correct?

Miss WEYAND. I was very proud of the job I did as president of the District chapter that year.

Mr. ARENS. Were you proud of the National Lawyers Guild?

Miss WEYAND. I was proud of it.

Mr. ARENS. Are you proud of your associations with these persons whom you have just been describing who were your colleagues and also your associates in the National Lawyers Guild?

Miss WEYAND. I certainly was, and I still am.

Mr. ARENS. Now, Ma'am, if you please, have you learned since your disassociation from the National Labor Relations Board that each of these persons—Joseph Robison, Allan Rosenberg, Martin Kurasch,

David Rein, and John Porter—among others, has been before the Committee on Un-American Activities of the United States Congress and, notwithstanding the fact that sworn testimony has identified them as members of the Communist Party, each has declined to answer questions respecting such alleged affiliation?

Miss WEYAND. I understand that they followed Dean Griswold's theory that the fifth amendment was a haven for people who believe in freedom of speech and freedom of the press. I am not following the same course but I see nothing wrong with their having followed the dean of Harvard's idea that you can take the constitutional right. Today the fifth amendment is the protector of people who still believe in the democracy and freedom of speech and freedom of the press, and I see nothing wrong with their having followed the dean of Harvard's notion.

Mr. ARENS. Would you kindly tell us whether or not you have revised your opinion or estimate of your former colleagues in the National Lawyers Guild and on the National Labor Relations Board in view of what has transpired in the public revelations of their affiliations and activities?

Miss WEYAND. I know nothing in their public revelations that I give any credence to that reflects in the slightest upon my respect for them as lawyers and loyal American citizens.

Mr. ARENS. Now would you kindly tell this committee what precipitated or caused your disassociation from the National Labor Relations Board?

Miss WEYAND. I was terminated for reasons completely unrelated to any subject which is the inquiry of this committee.

Mr. ARENS. Were you at any time to your knowledge the object or subject of loyalty investigations?

Miss WEYAND. I was.

Mr. ARENS. Can you tell us when to your knowledge such loyalty investigation transpired?

Miss WEYAND. I was told three times that I was cleared. The first time—

Mr. ARENS. Just tell us when.

Miss WEYAND. Well, the first as far as I can recall was 1941 or 1942. I must say I never had a hearing. Nobody ever took any evidence or anything of that sort.

Mr. ARENS. Would you just please answer the question as to when to your best recollection and knowledge you were the subject of loyalty investigations?

Miss WEYAND. I want to say in 1941 I was called in by a committee of assistant and associate general counsels, who apologized very highly for it, thinking that they should ask me some questions about some things that went on at the guild and this committee on Spain which I have told you about. I don't know whether that was really a loyalty investigation or not. They told me that they were quite satisfied with my explanations and I took them the letterhead which I have here which showed the prominent Congressmen, Federal judges, Senators, and so on, who were active in the guild at that time and were continuing to be even after the so-called Pecora resignation. They were completely satisfied with my answers on the matter.

It happened that when I joined the board the chairman of the National Labor Relations Board was a member, and one of the associate general counsels was president of the chapter.

Mr. ARENS. May I suggest for the purpose of being responsive—you are a lawyer and know what it means to be responsive to a question; do you not?

Miss WEYAND. I do.

Mr. ARENS. You know what it means to ramble, do you not? Would you kindly answer the question. The question is only—and I appeal to you as a lawyer of considerable competence as is evidenced by your background—please give this committee the times, the dates, the approximate dates, on which to your knowledge you were the subject of a loyalty investigation.

Miss WEYAND. I don't know the exact dates. I know there is one incident when I was called in to discuss, 1941 or 1942——

Mr. ARENS. Just a moment. How many times have you been the subject of a loyalty investigation to your knowledge?

Miss WEYAND. I don't know that any of these could be called loyalty investigations, really. I received a letter from Chairman Millis in 1943 which said I had been cleared of any charges of disloyalty. I had no interrogatories. I had no hearing. The FBI had called me over and asked me about two organizations I never heard or had anything to do with and had never been on the mailing list of any of these, a very pro forma interview.

Mr. ARENS. When was that? Could you please be responsive to the question?

Miss WEYAND. That was in 1943 to the best of my recollection.

Mr. ARENS. You have tried a number of cases, I take it, have you not, Miss Weyand?

Miss WEYAND. Certainly.

Mr. ARENS. You know that the law requires a witness to be responsive to a question.

Miss WEYAND. On the ground that his own counsel can later bring out his side of the story, which is not the rule followed by this committee.

Mr. ARENS. Are you going to be responsive to these questions?

Miss WEYAND. I am with an explanation that I think gives a fair presentation to the committee.

Mr. ARENS. Would you kindly tell us, please, whether or not you were associated in your work there at the National Labor Relations Board with a person by the name of Helen Hill?

Miss WEYAND. I never knew there was a Helen Hill on the staff of the Labor Board.

Mr. ARENS. Tell us whether or not you ever had an association or acquaintanceship with Helen Hill anyplace.

Miss WEYAND. I never. I never heard of her until the FBI came to call on me in September and showed me pictures and asked me if I knew her. That is the first time I ever heard the name to my recollection. That was September of 1955.

Mr. ARENS. Did you ever have any contact with Victor Perlo?

Miss WEYAND. I heard Victor Perlo make the same speech——

Mr. ARENS. Would you kindly answer the question? You know what it means to be responsive.

Miss WEYAND. Your word "contact" is not the kind of word they allow court lawyers to ask.

Mr. ARENS. What has been your association with Victor Perlo?

Miss WEYAND. I heard Victor Perlo make a speech at the Lawyers Guild convention.

Mr. ARENS. Is that the only association or contact that you have had with Victor Perlo?

Miss WEYAND. That is the only association or contact I had with Victor Perlo.

Mr. ARENS. Did you ever know him as Mike?

Miss WEYAND. I never knew him as Mike.

Mr. ARENS. Did you ever know him as a person identified to your knowledge as a Communist Party agent?

Miss WEYAND. I read in the newspapers the stories about Victor Perlo.

Mr. ARENS. Did you ever know from any other source?

Miss WEYAND. I never knew from any other source.

Mr. ARENS. Ma'am, during the course of your activities as an employee of the National Labor Relations Board did you know a person by the name of Bertram Diamond?

Miss WEYAND. I never knew there was anyone on the staff by the name of Bertram Diamond.

Mr. ARENS. Did you at any time during the course of your activities at the National Labor Relations Board know a person by the name of Lester Asher?

Miss WEYAND. I knew Lester Asher at the University of Chicago. We entered the same class in 1929 and we have been close friends for years.

Mr. ARENS. Did you know him at the National Labor Relations Board?

Miss WEYAND. I helped him get his job at NLRB. I talked to Tom Emerson about it.

Mr. ARENS. Could you be responsive to the question? You know what it means. You have practiced law. Did you know Lester Asher at the National Labor Relations Board?

Miss WEYAND. I knew Lester Asher at the National Labor Relations Board.

Mr. ARENS. In what capacity was he employed there?

Miss WEYAND. He had various capacities during the period I was with the Board.

Mr. ARENS. Just give us an idea of some of the jobs he held.

Miss WEYAND. He was on the secretary's staff, I believe. He was assistant to the director of the division around 1945. He was regional attorney in Chicago for a period. He was regional attorney or on the staff of the Minneapolis office for a period. He was review attorney for a period.

Mr. ARENS. Did you have any contact or association with Lester Asher other than your contact or association as fellow employees of the National Labor Relations Board?

Miss WEYAND. We certainly did. We had been close friends in Chicago. We continued to be close friends. Very close friends of Corinne Asher and Lester Asher.

Mr. ARENS. Corinne, I take it, is his wife?

Miss WEYAND. She is his wife.

Mr. ARENS. Did you have occasion or did you at any time meet in his home?

Miss WEYAND. I was in his home for dinner and I was by to his home on a couple of other occasions.

Mr. ARENS. Have you ever had Lester Asher and his wife at your home?

Miss WEYAND. I have had them there on social occasions.

Mr. ARENS. Are those the only occasions on which you have had Lester Asher and his wife at your home?

Miss WEYAND. The only occasions I ever had Lester Asher and his wife were social occasions. Lester Asher may have attended union or guild meetings at my home, but the only time I had Corinne with him was on social occasions; the two together.

Mr. ARENS. Would you tell us what you mean by union or guild meetings at your home?

Miss WEYAND. There were occasions of committee meetings when we were drafting the amalgamation of the clerical union and the lawyers union, that we worked on drafting constitutions and proposing the form of collective bargaining which we thought it would be appropriate for a lawyers union in Government service to have. I served on various of those committees. Some of those committees came to my home. This is 16, almost 20 years ago that this took place.

Mr. ARENS. I understand. Could you tell us what this lawyers union was? Just identify it.

Miss WEYAND. The lawyers union was a union composed of the lawyers at the National Labor Relations Board who banded together for the purpose of improving their working conditions and establishing a pay rate based upon the respective abilities and jobs of the lawyers and worked out a system whereby any job that opened up would be posted so any applicant could file and say, "I would like to have"——

Mr. ARENS. That is sufficient explanation.

Now tell us the name of the union.

Miss WEYAND. If you want the exact name—NLRB Lawyers Union, I think—I have the card here.

Mr. ARENS. That is sufficient. Who were the officers of the union? Do you have a recollection?

Miss WEYAND. When I came to the National Labor Relations Board this union was already functioning, in March of 1938. I joined the union at that time and my first membership card, which I have here in my briefcase, was signed by Julius Schlezinger as president.

Mr. ARENS. Did you ever hold an office in this lawyers union?

Miss WEYAND. No; I never held an office in it.

Mr. ARENS. Is that lawyers union still in existence?

Miss WEYAND. No; the union amalgamated around 1939 with the nonlawyers to form an NLRB union.

Mr. ARENS. Is that union still in existence?

Miss WEYAND. I wouldn't know. As far as I know, it is still in existence. I became a supervisor very shortly after that and supervisors were ineligible for membership in the union and I never paid any attention to it. The last I heard, it was still in existence. I just couldn't tell you anything about whether it is now or not.

Mr. ARENS. Was each of these persons whom we have been talking about—and I will name them now—Joseph Robison, Allan Rosenberg, Martin Kurasch, David Rein, John Porter—all to your knowledge members of this lawyers union?

Miss WEYAND. It was. As a matter of fact, the Smith committee reported after investigating that it contained almost 90 percent of the lawyers. You can't single things out and give a fair picture. Ninety percent of the lawyers were members of it. So these were among those other 90 percent who were in it.

Mr. ARENS. How frequently did this lawyers union meet in your home?

Miss WEYAND. Oh, not very frequently. The union itself never met in my home, but there were committees that I worked on, a couple or 3 or 4 times which met in my home.

Mr. ARENS. Could you tell us the names of the committees of this lawyers union which met in your home?

Miss WEYAND. No; this is many years after. I know I served on these four committees. There were committees on interunion relations. There were a number of committees which were busy working with this amalgamation. They set up one, an interunion committee who were supposed to be the people sent from the lawyers union to the non-lawyers union and talked about getting together to consolidate.

Mr. ARENS. Would you kindly tell us the years in which you were active in this lawyers union?

Miss WEYAND. I think the lawyers union ceased existence in 1939, 1938 or 1939, but it became the NLRB Union which I was active in until I became a supervisor in 1941.

Mr. ARENS. Did David Rein serve with you on these committees?

Miss WEYAND. He was on one committee, at least one, that I was on.

Mr. ARENS. Did Allan Rosenberg serve with you on any of these committees?

Miss WEYAND. Yes.

Mr. ARENS. Did Martin Kurasch serve with you on any of these committees?

Miss WEYAND. He was either president and ex officio member. He was president. I don't know if he was on the committee because he was ex officio there or whether he was a member of the committee, but he was on the committee.

Mr. ARENS. Did Joseph B. Robison serve with you on any of these committees?

Miss WEYAND. Yes.

Mr. ARENS. Did you know a person at the National Labor Relations Board by the name of Jacob H. Krug, K-r-u-g?

Miss WEYAND. There was a review attorney by that name.

Mr. ARENS. What was your contact or association with him?

Miss WEYAND. He is one of these quiet people you just never can remember. I just know there was somebody there by that name. That is about all. I still know him when I see him and smile at him on the streets of Washington, and at the law library of the Library of Congress, but I have no other recollection of him.

Mr. ARENS. Did Jacob H. Krug belong to this lawyers union?

Miss WEYAND. I have no recollection. I assume he did, but I wouldn't remember one way or the other.

Mr. ARENS. Did he ever meet at your house?

Miss WEYAND. I wouldn't know whether he did or not. I had a home, a pretty apartment. I suppose there were a thousand people who came to that home during those 12 years. After guild meetings they would come there and have drinks and hors d'oeuvres. I couldn't keep track. There would be 30 people drop in after almost every big meeting or 50 people coming in for conferences. I don't know who was there or not.

Mr. ARENS. What was your appraisal of Jacob H. Krug, if you had an opportunity to observe him and reach a conclusion in your own mind as to his patriotism?

Miss WEYAND. I never worked on any cases with him.

Mr. ARENS. You just do not have a judgment on him, is that correct?

Miss WEYAND. I don't remember him particularly. He was just a nice, quiet guy. I never saw anything wrong with him but he never made any impression one way or the other.

Mr. ARENS. Tell us about Mortimer Riemer, R-i-e-m-e-r. Did you know him?

Miss WEYAND. He was the secretary of the National Lawyers Guild when I joined it.

Mr. ARENS. Was he also with the National Labor Relations Board?

Miss WEYAND. Yes. He became a trial examiner there in 1940.

Mr. ARENS. Did you have occasion during the course of your labors there at the National Labor Relations Board to reach an appraisal in your own mind as to his patriotism and efficiency?

Miss WEYAND. I never worked on anything with him at the Labor Board. I would say in the guild he always seemed to be a perfectly respectable secretary of the guild as far as I saw. I never dealt with him on any professional matters in my life, except as you deal in a lawyer's organization.

Mr. ARENS. What about Edward Scheunemann, S-c-h-e-u-n-e-m-a-n-n? Did you know a person by that name?

Miss WEYAND. I never knew a person by that name.

Mr. ARENS. Did you know a person by the name of Margaret Bennett Porter?

Miss WEYAND. Yes; I knew Margaret Porter.

Mr. ARENS. What was the nature of your acquaintanceship with her?

Miss WEYAND. She was the only other woman attorney who had an office on the sixth floor at the time I went to the Labor Board. Women lawyers always have a little bond of friendship. She dropped in and said "I am Peggy Bennett." That was her name at that time. "I am over in room 633." I was in 615. "If I can give you any help around here, if there is anything I can do to introduce you around, and so on, I will be glad to do it."

She was also secretary of the District of Columbia chapter of the Lawyers Guild at that time and she told me at various times she would drop in "Wouldn't you like to come along to an executive board meeting or a meeting of the guild?" I went to a few with her.

Mr. ARENS. Did you have occasion to reach a judgment in your own mind with reference to the patriotism, loyalty, efficiency, honesty, general virtues of Margaret B. Porter?

Miss WEYAND. I never knew Margaret B. Porter well. I never worked with her. It was just one of those things. The first few weeks that I was at the Board she wanted to show me around.

Mr. ARENS. Then I take it you didn't have sufficient opportunity to reach a conclusion in your mind.

Miss WEYAND. It has been 16 years ago. I don't remember ever seeing anything wrong but I had no close friendship.

Mr. ARENS. Would you kindly give us a word as to Allen Heald, H-e-a-l-d? Did you know him?

Miss WEYAND. He was on the enforcement staff when I was and he was a supervisor on the enforcement staff at the time I was there. He was secretary of the lawyers union at the time I went to the Board and became a member of the lawyers union.

Mr. ARENS. Was he also active in the National Lawyers Guild?

Miss WEYAND. He was quite active in the National Lawyers Guild.

Mr. ARENS. Did you have occasion to reach a conclusion in your own mind respecting his loyalty, patriotism, efficiency, and honesty?

Miss WEYAND. We never discussed anything that would cause me to have any doubt as to his loyalty. I never worked with him as a supervisor. He seemed like a quiet, competent lawyer. I never had to rate his work. I was never in that position with reference to him.

Mr. ARENS. Did you have occasion in the course of your associations and activities and labors at the National Labor Relations Board to make the acquaintanceship of a person by the name of Herbert Fuchs?

Miss WEYAND. Yes, I knew Herbert Fuchs.

Mr. ARENS. How long did you know him?

Miss WEYAND. He was sharing an office with Peggy Bennett. He also had been a delegate to the Lawyers Guild Convention which was held in Washington in 1938, which I attended as a delegate from the Chicago chapter. It is not clear in my recollection whether I met him at that convention or whether I went to work for the Board a few weeks later and met him in Peggy Bennett's office. I remember he was Peggy Bennett's roommate when she said "Drop in and let me help you if I can give you any assistance," and she introduced me to Herbert Fuchs. My work association at the Board did not during that first period bring me in contact with him.

Mr. ARENS. Did it during the second period bring you in contact with Herbert Fuchs?

Miss WEYAND. It did. When he came back from Denver he became Assistant General Counsel. He was with Van Arkel. During the period that Van Arkel was General Counsel, Herbert Fuchs was Assistant General Counsel. He was assigned to working on the Board's work in opposing the Taft-Hartley Act, as I recall. He was drafting the material. I was——

Mr. ARENS. Did you and Herbert Fuchs work together professionally at the National Labor Relations Board?

Miss WEYAND. No, I don't think I could ever say we worked together. We were purely at staff conferences at which he represented the Board or represented the General Counsel.

Mr. ARENS. Was Herbert Fuchs identified likewise with the National Lawyers Guild?

Miss WEYAND. He was with the Lawyers Guild like some 400 other prominent attorneys in Washington at that time.

Mr. ARENS. Did he work with you in any of the activities of the National Lawyers Guild?

Miss WEYAND. Yes, he did. He was very active on the Government Service Committee in 1946 and 1947.

Mr. ARENS. Did Herbert Fuchs work with you in these lawyers union committees which from time to time met in your home?

Miss WEYAND. He did. There were not a lot of meetings in my home. There were a few.

Mr. ARENS. Would you tell us whether or not Herbert Fuchs met there at your home?

Miss WEYAND. I know he has been in my home on occasion.

Mr. ARENS. Over what period of time was Herbert Fuchs in your home?

Miss WEYAND. I have no definite recollection of his ever having been there except in the early lawyers union and Lawyers Guild period in 1938 and 1939.

Mr. ARENS. About how many times in the course of these 2 years, 1938 and 1939, did meetings of these committees of the lawyers union with which you were identified have sessions any place?

Miss WEYAND. Any place? Oh. We met almost every week, usually, during that period. Sometimes it was 2 or 3 times a week during that period. It was a very, very active union. Somebody would have a grievance and the grievance committee would get together in a hurry.

Mr. ARENS. Where would these meetings be held?

Miss WEYAND. Most of them were around the Board, in the hearing room or someone's office or at lunch or at dinner, and sometimes we had a dinner meeting and would go to someone's home after dinner.

Mr. ARENS. How many of these meetings were held in your home?

Miss WEYAND. Not very many.

Mr. ARENS. How many meetings in the course of 1938 and 1939 of some committee of this lawyers group would you say were held in your home or apartment?

Miss WEYAND. It would be absolutely impossible for me to fix that. It was so informal. We would go out to dinner and sometimes if we didn't get done discussing a grievance at dinner, we would come over and continue discussing at my apartment or somebody else's apartment.

Mr. ARENS. Would you say these little get-togethers at your house during the course of 1938 or 1939 of your associates in the committees of the lawyers union took place, say, as much as an average of once a month?

Miss WEYAND. I am certain much oftener than once a month. There were large groups of guild meetings.

Mr. ARENS. Just answer the question. Would you say that they met as much as twice a month?

Miss WEYAND. There were not regular formal meetings of any sort in my home as scheduled meetings.

Mr. ARENS. We are just trying to get your best judgment as to the number of times that these sessions were held in the course of these 2 years.

Miss WEYAND. That is hardly a week during that period——

Mr. ARENS. I beg your pardon?

Miss WEYAND. There was hardly a week during that period that there weren't groups of people from the Lawyers Guild, some guild meeting or union meeting or just people working together or something like that.

The CHAIRMAN. The committee will stand in recess for 5 minutes. (Brief recess.)

The CHAIRMAN. The committee will be in order.

Go ahead, Mr. Counsel.

Mr. ARENS. Miss Weyand, I don't believe I asked you your appraisal of Allan Rosenberg.

Miss WEYAND. I believe you did. It was extremely high, my appraisal of him. It certainly was.

Mr. ARENS. Did Allan Rosenberg participate in these sessions at your home or in these committee meetings of the lawyers union?

Miss WEYAND. Yes. He was very active on the amalgamation committee of the union and he had been in my home on occasion. The details I don't remember, whether it was on this committee or guild matters, but I remember he was in my home. After all, it was 16 years ago. I know Allan has been in my home, and I know I was in his home on occasion.

Mr. ARENS. Have you been in contact or association with him since that time?

Miss WEYAND. I have had no contact with him since I left the National Labor Relations Board.

Mr. ARENS. Did he know you well?

Miss WEYAND. He wasn't in my close personal social circle. I knew a hundred lawyers better than I knew him.

Mr. ARENS. Over the course of these 2 years how many times would you say you had sessions of the lawyers union at which Allan Rosenberg was present?

Miss WEYAND. I couldn't place whether there were any.

Mr. ARENS. You worked with him in the NLRB, is that correct?

Miss WEYAND. At the NLRB he had been the review attorney on the Republic Steel case, the great big case growing out of the Memorial Day massacre and the Little Steel strike. It was a tremendous record. He had written the Board's decision.

Mr. ARENS. Tuesday we asked him if he knew you and he invoked the fifth amendment. Do you have any recollection of seeing him in the course of the recent past or being in association with him in the course of the recent past?

Miss WEYAND. In the past 5 years I have not seen Allan Rosenberg. I do know he wrote me a letter congratulating me at the time I was appointed assistant general counsel. I believe at the time of my marriage I had a letter from him, just a formal letter. He never sent me Christmas cards. I think those are the last two times I had any contact with him.

Mr. ARENS. Where was your apartment located?

Miss WEYAND. The first apartment I had in Washington and the one which apparently was described as luxurious, et cetera, in your previous record—

Mr. ARENS. Just tell us where it was located.

Miss WEYAND. 3601 Connecticut Avenue, the Broadmoor. I moved from the Broadmoor November 1, 1939. I remember because I was out on the west coast—

Mr. ARENS. Just tell us the address.

Miss WEYAND. 4801 Connecticut Avenue.

Mr. ARENS. In Washington.

Miss WEYAND. And I was there until I got married.

Mr. ARENS. During the course of Mr. Fuchs' service with the National Labor Relations Board, did he leave the Washington office and then return subsequently?

Miss WEYAND. That is my impression; yes.

Mr. ARENS. Where was he assigned, do you recall?

Miss WEYAND. I have read his testimony. I don't know that I would have any independent recollection, but his testimony says he was in Denver.

The CHAIRMAN. Your own testimony.

Miss WEYAND. I have no independent recollection.

Mr. ARENS. In these little sessions which were held at your apartment was Marxism discussed?

Miss WEYAND. I have no recollection of Marxism ever having been discussed. I don't plead guilty of being an illiterate woman here. Those were days when we discussed everything.

Mr. ARENS. I just asked if Marxism was discussed.

Miss WEYAND. It was never a prominent subject, not enough for me to recall. I do know we discussed everything in those days.

The CHAIRMAN. You have answered the question.

Mr. ARENS. Did the little group that you met with have any plan or program it was undertaking to develop within the National Lawyers Guild or within the lawyers union of the NLRB?

Miss WEYAND. I never met with any preconceived group at all. These were just casual contacts. Every time I met with any of these people it was either social or a lawyers union or guild committee at which there were other people who have never been named.

Mr. ARENS. You have given us your appraisal, Miss Weyand, of each of several persons with whom you were associated at the National Lawyers Guild and at the National Labor Relations Board. I have not yet asked you your appraisal of Mr. Fuchs. Did you have occasion in the course of your work with Mr. Fuchs to arrive at a conclusion in your own mind as to his ability and honesty and patriotism?

Miss WEYAND. Mr. Fuchs was always in a superior position to me at the Board, and I deliberately refrained from forming judgments about my superiors. Those whom I had to rate, I had to form opinions and then mark it down, X, Y, Z, loyal, efficient, and so on.

The CHAIRMAN. You have answered the question. You have no opinion.

Mr. ARENS. Mr. Fuchs testified before the House Committee on Un-American Activities, Miss Weyand, as you know, and in that testimony identified you as a person known by him to have been a member of the Communist Party. I ask you now, are you now or have you ever been a member of the Communist Party?

Miss WEYAND. I am not now and never have been a member of the Communist Party.

Mr. ARENS. Did you, during the course of your association with these people, these lawyers at the National Lawyers Guild, the same group with the lawyers union and with the NLRB, know any person who during the course of your acquaintanceship with them was known by you to have been a member of the Communist Party?

Miss WEYAND. I did not during my association with any person in the Labor Board, Labor Board union, the lawyers union, or the lawyers guild—I never knowingly associated with any one I knew to be or even had reason to believe was a member of the Communist Party.

Does that cover the groups? I don't remember the question. It was a pretty inclusive question.

Mr. ARENS. It covers it.

Mr. Chairman, I respectfully suggest that this witness be continued under subpoena for a day certain and that Mr. Fuchs be requested to appear before the committee in public session and confront the witness.

The CHAIRMAN. I don't know what the condition of the calendar is.

Mr. ARENS. May we stand in recess for just a moment, Mr. Chairman, while we discuss that?

(Brief recess.)

(The following members of the committee were present: Representatives Walter, Doyle, Frazier, Willis, Kearney, and Scherer.)

The CHAIRMAN. The committee will be in order.

The subpoena will be in effect, the witness to appear at a date agreed upon between your counsel and counsel for the committee, with reasonable notice to be given to everybody.

Mr. O'BRIEN. That is agreeable, Mr. Chairman.

Miss WEYAND. Thank you.

The CHAIRMAN. The witness is excused.

Call the next witness.

Mr. ARENS. If you please, Mr. Chairman and members of the committee, the next witness will be Mr. Victor Perlo.

The CHAIRMAN. Mr. Perlo?

Mr. ARENS. Kindly remain standing and raise your right hand and be sworn, sir.

The CHAIRMAN. Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PERLO. I do.

TESTIMONY OF VICTOR PERLO, ACCOMPANIED BY COUNSEL, IRA GOLLOBIN

Mr. PERLO. I have a statement for the committee.

Mr. ARENS. Will you kindly identify yourself by name, residence, and occupation.

Mr. PERLO. My name is Victor Perlo. I reside in New York, and I am an economic consultant.

Mr. ARENS. Mr. Perlo, are you appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. PERLO. Yes.

Mr. ARENS. Are you represented by counsel?

Mr. PERLO. That is right.

Mr. ARENS. Will counsel kindly identify himself.

Mr. GOLLOBIN. Ira Gollobin, G-o-l-l-o-b-i-n.

Mr. ARENS. Mr. Gollobin, please tell us the address of your law firm and with whom you are associated.

Mr. GOLLOBIN. I am in practice for myself in New York City.

Mr. ARENS. And the address?

Mr. GOLLOBIN. 1441 Broadway.

Mr. ARENS. Mr. Perlo, have you ever been known by any name other than the name which appears on your subpoena, Victor Perlo?

Mr. PERLO. I stand on my rights under the fifth amendment.

Mr. ARENS. Do you feel if you would tell this committee truthfully whether or not you have been known by any name other than the name of Victor Perlo you would be supplying information which could be used against you in a criminal proceeding?

Mr. PERLO. I don't want to discuss my reasons for using the fifth amendment, which is a well-known right of the people——

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question.

The CHAIRMAN. Yes. Answer the question.

Mr. PERLO. I decline to answer it for the same reason.

Mr. ARENS. Mr. Chairman, we have a situation here which is comparable to the situation which prevailed a day or so ago. This witness previously was the subject of testimony by another witness before the House Committee on Un-American Activities. Thereafter this witness, Mr. Perlo, appeared before the committee and I think it is fair to summarize the hearing at that time by saying that he invoked the fifth amendment with reference to any questions pertaining directly or indirectly to the Communist conspiracy. The reason for his appearance today, as the chairman I am sure knows, is because he was likewise the subject of testimony by Mr. Herbert Fuchs before this committee with reference to a new agency with which he had not previously been identified. Therefore, if it meets with the pleasure of the committee, I propose to confine this interrogation only to the new material so there will not be an unnecessary duplication.

The CHAIRMAN. Try not to be repetitious.

Mr. ARENS. Yes, sir.

Have you ever been known by the name of "Mike" or "Chief," Mr. Perlo?

Mr. PERLO. I decline to answer that, standing on my privilege under the fifth amendment.

Mr. ARENS. Did you ever know a person by the name of Herbert Fuchs?

Mr. PERLO. I stand on my privilege under the fifth amendment.

Mr. ARENS. Did you ever have contact with a Communist Party cell in the National Labor Relations Board?

Mr. PERLO. I stand on my privilege under the fifth amendment.

Mr. ARENS. Did you ever know any employees of the National Labor Relations Board?

Mr. PERLO. The same answer.

Mr. ARENS. An employee of the Board? I beg your pardon?

Mr. PERLO. I haven't answered yet. The same answer.

Mr. ARENS. I put it to you as a fact, Mr. Perlo, and ask you to affirm or deny the fact that you were the contact between a Communist Party cell in the National Labor Relations Board in the 1940's and the high echelon of the international Communist conspiracy.

Mr. PERLO. I decline to answer for the same reason.

Mr. ARENS. Did you ever receive from employees of the National Labor Relations Board information which you were not entitled by law to receive?

Mr. PERLO. I decline to answer for the same reason.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact that you did receive such information and did transmit it to international Communist agents or cause it to be transmitted to international Communist agents.

Mr. PERLO. Was there a question in that?

Mr. ARENS. I put it to you as a fact and ask you to affirm or deny the fact.

Mr. PERLO. Oh. I decline to answer for the same reason.

Mr. ARENS. Who was Arthur Stein?

Mr. PERLO. Arthur Stein was, I believe, a Government employee in Washington, D. C.

Mr. ARENS. When did you first know him?

Mr. PERLO. I decline to answer without any—without my answer implying that I did know him, I decline to answer that question for the same reason.

Mr. ARENS. How did you acquire information that Arthur Stein was a Government employee, which you stated a few moments ago in response to a question?

Mr. PERLO. I don't remember how I first learned that he was a Government employee, but among other things I read about Arthur Stein in recent testimony held before this committee.

Mr. ARENS. Is that the only information or knowledge you have acquired respecting the existence of a person known by the name of Arthur Stein?

Mr. PERLO. I think it unlikely that it is the only information I have about him. I probably have heard about him previously.

Mr. ARENS. Have you ever met Arthur Stein?

Mr. PERLO. I decline to answer for the same reason.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question for this reason: He has opened the door to this inquiry by responding to the question that he does know there is such a person as Arthur Stein.

The CHAIRMAN. Yes, you are directed to answer the question.

Mr. PERLO. Mr. Arens, I have been accused in testimony of—I don't want to go into the thing, but would you mind repeating the question?

Mr. ARENS. We will start over.

Do you know Arthur Stein?

Mr. PERLO. All right. I stand on my rights under the fifth amendment.

Mr. ARENS. Is there a person to your knowledge by the name of Arthur Stein?

Mr. PERLO. Yes.

Mr. ARENS. How did you acquire that knowledge?

Mr. PERLO. I read about it in testimony before this committee.

Mr. ARENS. Is that the only source of your information or knowledge respecting Arthur Stein?

Mr. PERLO. It is probably not.

Mr. ARENS. What other information or knowledge have you acquired which leads you to believe that there is such a person as Arthur Stein?

Mr. PERLO. I decline to answer, standing on my rights under the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest that he be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer the question.

(The witness conferred with his counsel.)

Mr. PERLO. I regard my answer as responsive. I decline to answer under the fifth amendment and on the grounds that I can't be compelled to be a witness against myself, and that it might incriminate me.

(The following members of the committee were present: Representatives Walter, Doyle, Frazier, Willis, Kearney, and Scherer.)

Mr. ARENS. Do you know a person by the name of Martin Stribling, S-t-r-i-b-l-i-n-g?

Mr. PERLO. I decline to answer for the same reason.

Mr. ARENS. Martin Stribling is right here in this room, is he not?

Mr. PERLO. Are you asking me?

Mr. ARENS. Yes.

Mr. PERLO. I decline to answer for the same reason.

Mr. ARENS. In fact, Martin Stribling is sitting right at this table, is he not?

Mr. PERLO. I decline to answer that question for the same reason.

Mr. ARENS. As a matter of fact, you are Martin Stribling, are you not?

Mr. PERLO. I decline to answer that question for the same reason.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that one of your undercover names in the international Communist conspiracy is "Martin Stribling."

Mr. PERLO. I decline to answer that question for the same reason.

Mr. ARENS. Have you ever been to the headquarters of the National Labor Relations Board in Washington, D. C.?

Mr. PERLO. I don't have the least recollection.

Mr. ARENS. Have you ever had contact or association with people known by you to be employees of the National Labor Relations Board?

Mr. PERLO. I decline to answer that question for the same reason.

Mr. ARENS. Do you feel if you would tell this committee truthfully whether or not you have had contact or association with employees of the National Labor Relations Board you would be supplying information which could be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. PERLO. I decline to answer that for the same reason.

Mr. SCHERER. Mr. Perlo, where were you born?

Mr. PERLO. I was born in New York.

Mr. ARENS. Did you in the early forties have occasion in the pursuit of your regular activities to commute between New York City and Washington, D. C.?

Mr. PERLO. Not that I can remember. I am not saying I never went between New York and Washington, but I didn't have occasion to commute between New York and Washington.

Mr. ARENS. Where did you live in the early forties?

Mr. PERLO. I honestly don't remember. It is in the record somewhere, but I don't remember what my address was at that time.

Mr. SCHERER. You mean you can't tell us any place where you lived during the forties?

Mr. PERLO. I lived in Washington, in the Washington area. I just don't remember the street addresses.

Mr. ARENS. You have been interrogated by this committee extensively with reference to the testimony given before this committee about Jacob Golos by Elizabeth Bentley.

Mr. PERLO. I was interrogated previously by this committee; yes.

Mr. ARENS. When did you appear before this committee?

Mr. PERLO. In 1948.

Mr. ARENS. Did you at that time prepare a press release or cause to be prepared a press release about your testimony?

Mr. PERLO. I prepared a statement to read to the committee.

Mr. ARENS. I lay before you a document and ask you if that is a true and correct reproduction of the statement which you prepared for submission at that time to the committee.

(The witness conferred with his counsel.)

Mr. PERLO. It looks accurate to me; yes.

Mr. ARENS. In this statement which you prepared for submission to the committee in 1948 appears this sentence:

I vigorously deny the charges which have been leveled against me.

Is that correct?

Mr. PERLO. That is not—that sentence was not included in the statement submitted to the committee.

Mr. ARENS. Did you delete that sentence or cause it to be deleted before you actually made your presentation to the committee?

Mr. PERLO. That is right.

Mr. ARENS. Why did you delete that sentence that you vigorously deny the charges which were leveled against you as an espionage agent and as a conduit for the transmission of security information of this Government to the international Soviet conspiracy?

Mr. PERLO. I don't remember the exact circumstances which led up to it. There was quite a squabble, I think, between myself and certain members of the committee. I don't remember the details. You probably have it in the record yourself, but I haven't refreshed my memory.

Mr. ARENS. Do you now vigorously deny the charges, the testimony of Elizabeth Bentley and of Herbert Fuchs against you?

Mr. PERLO. I decline to answer under the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest to the committee that in view of the extensive interrogation of this witness heretofore the area in which we wanted to pose questions has been covered. I have no further questions to submit.

The CHAIRMAN. Any questions by members of the committee?

There is evidence in some of the hearings, Mr. Perlo, that you instructed an examiner for the National Labor Relations Board as to his decision in order to cause more confusion, that you instructed this man to decide this case against the workers in order to increase the dissatisfaction the workers had with their employers. Is that correct?

Mr. PERLO. I would never conceivably engage in urging anybody to make a decision against the interests of labor.

The CHAIRMAN. Did you request any one connected with the National Labor Relations Board to make a decision of any sort whatsoever?

Mr. PERLO. I never had anything to do with any decisions of the National Labor Relations Board.

The CHAIRMAN. Did you ever discuss any decisions of the Board with any of its employees?

(The witness conferred with his counsel.)

Mr. PERLO. I decline to answer under the fifth amendment.

The CHAIRMAN. All right.

Is that all?

Mr. ARENS. Yes.

The CHAIRMAN. The witness is excused.

The committee will adjourn, to meet tomorrow morning at 10 o'clock.

(Whereupon, at 11:40 a. m., Thursday, February 23, the committee was recessed, to reconvene at 10 a. m., Friday, February 24, 1956.)

INVESTIGATION OF COMMUNIST INFILTRATION OF GOVERNMENT—PART 4

FRIDAY, FEBRUARY 24, 1956

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D. C.
PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met at 10 a. m., pursuant to recess, in the caucus room, Old House Office Building, Hon. Clyde Doyle (chairman of the subcommittee) presiding.

Committee members present: Representatives Clyde Doyle, of California (presiding), Edwin E. Willis, of Louisiana, and Bernard W. Kearney, of New York.

Staff members present: Richard Arens, acting counsel, and Courtney E. Owens, investigator.

Mr. DOYLE. May the record show that by virtue of authority vested in the chairman, Francis E. Walter, of Pennsylvania, he has appointed a subcommittee for this morning's hearing, consisting of Mr. Willis, of Louisiana, Mr. Kearney, of New York, and Mr. Doyle, of California, as subcommittee chairman for the purpose of this hearing.

Are you ready, Counsel? Let the record show that all three members of the subcommittee are present.

Mr. ARENS. The first witness if you please, Mr. Chairman, will be Mrs. Lillian Kurasch. Will you kindly come forward.

Mr. DOYLE. Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. KURASCH. I do.

TESTIMONY OF MRS. LILLIAN KURASCH, ACCOMPANIED BY COUNSEL, BERNARD JAFFE

Mr. ARENS. Will you please identify yourself by name, residence, and occupation?

Mrs. KURASCH. My name is Lillian Kurasch, 6128 228th Street, New York City. I am a housewife.

Mr. ARENS. Are you appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mrs. KURASCH. Yes.

Mr. ARENS. Are you represented by counsel?

Mrs. KURASCH. Yes.

Mr. ARENS. Will counsel kindly identify himself.

Mr. JAFFE. Bernard Jaffe, 135 Broadway, New York, N. Y.

Mr. ARENS. And your firm please?

Mr. JAFFE. Axelrod & Jaffe.

Mr. ARENS. What is your husband's name, please?

Mrs. KURASCH. Martin Kurasch.

Mr. ARENS. Will you kindly give us, Mrs. Kurasch, a brief résumé of your early life, where you were born, and a word about your educational background, up until the time you became self-sufficient or an adult?

Mrs. KURASCH. I was born in London, England. I graduated from high school in Pittsburgh, Pa.

Mr. ARENS. May I interrupt you there? Since you were born in London, England, it will become necessary for us to interpose a few more questions. When did you come to the United States?

Mrs. KURASCH. I believe my family came to this country in 1913, and I am not too clear about the date, but that is probably correct.

Mr. ARENS. It is embarrassing to ask a lady about age matters, but how old were you when you came to the United States?

Mrs. KURASCH. About 2½ or 3 years old.

Mr. ARENS. What is the background of your parents? Were they natives of the British Isles?

(Witness consulted her counsel.)

Mrs. KURASCH. Is that pertinent to this investigation?

Mr. ARENS. Yes; will you kindly answer the question?

(Witness consulted her counsel.)

Mrs. KURASCH. Is the nativity of my parents pertinent to this investigation?

Mr. DOYLE. Of course, the United States is interested in knowing whether or not the people who come from other countries are citizens of this country, and if they claim to be citizens of this country, the source of their claim, and I presume counsel's question goes to the point of how you acquired citizenship in the United States, if you did.

Mrs. KURASCH. I would be happy to answer that question. I became a citizen by virtue of my father's citizenship.

Mr. DOYLE. And where was your father born, please?

Mrs. KURASCH. I believe I did ask, is that pertinent to this investigation.

Mr. ARENS. Yes, it is, will you kindly answer the question?

(Witness consulted her counsel.)

Mrs. KURASCH. Will the chairman please rule on this question?

Mr. DOYLE. I will instruct you to answer, it is clearly pertinent.

(Witness consulted her counsel.)

Mrs. KURASCH. Well, I believe they were born in Lithuania.

Mr. DOYLE. Both your mother and father?

Mrs. KURASCH. I believe so.

Mr. DOYLE. How long did they live in England prior to the time they emigrated to the United States?

Mrs. KURASCH. Oh, I do not know, maybe 14 or 16 years.

Mr. ARENS. You came to the United States in 1913; is that correct?

Mrs. KURASCH. Yes.

Mr. ARENS. Tell us where you first lived in the United States?

Mrs. KURASCH. In Pittsburgh, Pa.

Mr. ARENS. Were you educated in Pittsburgh?

Mrs. KURASCH. Yes.

Mr. ARENS. Please trace chronologically, as I requested you to do so a little while ago, the education you have had.

Mrs. KURASCH. As I said, I graduated from high school in Pittsburgh, Pa.

Mr. ARENS. Is that the extent of your formal education?

(Witness consulted her counsel.)

Mrs. KURASCH. Well, I had some formal education at night for a little while, but not credited courses.

Mr. ARENS. Business-school courses?

Mrs. KURASCH. Some.

Mr. ARENS. What was the nature of that educational training?

Mrs. KURASCH. It was quite a long time ago; English literature, and French literature, and psychology.

Mr. ARENS. When did you complete your formal education?

Mrs. KURASCH. Well, I do not know if you call that formal education.

Mr. ARENS. When did you graduate from high school?

Mrs. KURASCH. In 1928.

Mr. ARENS. That was in Pittsburgh, in 1928?

Mrs. KURASCH. That is right.

Mr. ARENS. How soon after you graduated from high school did you begin courses at night school?

Mrs. KURASCH. Probably immediately thereafter.

Mr. ARENS. How long did you pursue those courses?

Mrs. KURASCH. I cannot say.

Mr. ARENS. Did you pursue them for as long as a year?

Mrs. KURASCH. Perhaps a year or 2 years, perhaps a little more. I really do not recall.

Mr. ARENS. Would you kindly give us a word with respect to employment which you have had since completion of your education?

Mrs. KURASCH. I worked in Pittsburgh as a stenographer, and as a matter of fact, most of my employment was as a stenographer for a short time with the Government, and I was a clerk.

Mr. ARENS. Let us proceed chronologically, if you please. When did you commence your actual employment?

Mrs. KURASCH. I got out of school in the depression period, so I cannot say exactly when. Jobs were quite difficult to get. But roughly it was immediately after leaving high school. At least I tried to.

Mr. ARENS. Were your positions as stenographer just in regular commercial firms in Pittsburgh?

Mrs. KURASCH. In law offices.

Mr. ARENS. How long did you pursue your employment in law offices?

Mrs. KURASCH. Well, you mean in Pittsburgh?

Mr. ARENS. Wherever you did. What we are doing now is tracing your employment chronologically. You graduated from high school, and then you became engaged as a stenographer in law offices. I am just asking you the general question, for the purpose of fitting together a skeleton outline of your background. How long did you

maintain employment in law offices in Pittsburgh or wherever you did work?

Mrs. KURASCH. I worked roughly from the time I left high school in 1928 until about—I am quite hazy about dates, but it was about 1941 or early 1942.

Mr. ARENS. Tell us then, just in résumé form, where you were employed from 1928 until about 1941?

Mrs. KURASCH. Well, my employment in Pittsburgh mostly was at one law firm.

Mr. ARENS. How long were you employed there?

Mrs. KURASCH. About 6 years.

Mr. ARENS. Where was your next employment?

Mrs. KURASCH. I had a temporary appointment for a couple of months with the National Labor Relations Board in Los Angeles.

Mr. ARENS. How did you happen to go there?

Mrs. KURASCH. I went for reasons of health.

Mr. ARENS. Did you make application for the employment with the National Labor Relations Board while you were in California?

Mrs. KURASCH. I hardly think so. I think that I was on a register, a civil-service register, and I believe that is how I received my appointment. It was a very short duration.

Mr. ARENS. That was an application you made while you were in Pittsburgh; is that correct, or do you recall?

Mrs. KURASCH. Well, I believe the procedure—I do not recall—is that you take an examination and you are placed on a register.

Mr. ARENS. What year did you have this temporary employment with the National Labor Relations Board in Los Angeles?

Mrs. KURASCH. I think it was in 1936.

Mr. ARENS. Could it have been as late as 1937?

Mrs. KURASCH. As late as 1937? No, I do not think so.

Mr. ARENS. Give us your best recollection now as to the next employment that you had?

Mrs. KURASCH. Then, I am not too clear about it, but I did work for a law firm or a lawyer in Los Angeles.

Mr. ARENS. For about how long a period of time were you so engaged?

Mrs. KURASCH. I was in Los Angeles from 1936 to about early in 1939, and I was employed most of that time, but I cannot remember. I think I worked for a lawyer after that short appointment but I am not too clear about the details.

Mr. ARENS. Let us trace your next employment then.

Mrs. KURASCH. I had another temporary appointment with civil service.

Mr. ARENS. In what agency?

Mrs. KURASCH. In the Senate Committee on Education and Labor.

Mr. ARENS. And where was that employment?

Mrs. KURASCH. That, too, was in Los Angeles.

Mr. ARENS. When was that employment?

Mrs. KURASCH. Toward the end of, I think, 1938.

Mr. ARENS. How long was that employment?

Mrs. KURASCH. Two or three months or something like that.

Mr. ARENS. Would you tell us how you acquired that employment with the Senate Committee on Education and Labor?

Mrs. KURASCH. I do not recall; perhaps it was the same way as I got the other.

Mr. ARENS. Did you know anyone who was employed on the committee prior to the time that you became employed?

(Witness consulted her counsel.)

Mrs. KURASCH. No, I did not.

Mr. ARENS. What were your duties on this Senate Committee on Education and Labor?

Mrs. KURASCH. I was a stenographer.

Mr. ARENS. Do you recall who your immediate superior was?

Mrs. KURASCH. No. You see, I do not think the committee was actually operating there. I just do not recall. I think the name of the secretary of the committee was a Mr. Wohlforth and I believe he is the one who hired me.

Mr. ARENS. Did you know Mr. Wohlforth prior to the time that you worked for the committee?

Mrs. KURASCH. No, and I believe I only saw him once, and then he went back to San Francisco.

Mr. ARENS. Do you have a recollection of any of the details as to how you happened to become employed with this committee? You had no application pending for employment with the committee, I am sure.

Mrs. KURASCH. With the committee, oh, no. I think that I had a standing application with civil service.

Mr. ARENS. Do you recollect whether or not you were referred to the committee by civil service?

Mrs. KURASCH. I cannot answer that precisely, because I really do not recall.

Mr. ARENS. Who was chairman of the committee?

Mrs. KURASCH. Was that not Senator La Follette?

Mr. ARENS. I suggest the possibility it must have been Senator La Follette.

Mrs. KURASCH. I think it was called the La Follette committee.

Mr. ARENS. Will you kindly tell us your next employment?

Mrs. KURASCH. My next employment was with the National Labor Relations Board in Washington, D. C.

Mr. ARENS. When did that commence?

Mrs. KURASCH. Early in 1939, I believe.

Mr. ARENS. In what capacity?

Mrs. KURASCH. I was a stenographer.

Mr. ARENS. Who was your superior?

Mrs. KURASCH. I think when I first went into the Board, for a short time in the Docket Section, and I do not remember who was the superior. I have not worked for the Government or anyone for 15 years, and in the meantime I have raised several children and run a house.

Mr. ARENS. I think that you are doing splendidly now.

Mrs. KURASCH. It is very difficult to remember.

Mr. ARENS. Refresh your recollection the best you can. We are not pressing you for any information that you cannot supply on the basis of your best judgment and recollection. How long did you work with the National Labor Relations Board?

Mrs. KURASCH. Well, between 1939 and early in 1942 I worked for the National Labor Relations Board, and the Office of Price Adminis-

tration. I do not recall exactly how long I worked for each of those organizations.

Mr. ARENS. Did you shift from one agency's payroll to the other?

Mrs. KURASCH. I would not remember the technique of it.

Mr. ARENS. Can you tell us how you happened to work for OPA, when you had initially started with the NLRB?

Mrs. KURASCH. I understand your question now. Yes, I believe so; I applied for the second job while I was on the payroll of the Board.

Mr. ARENS. Then, is it not a fact, that you resigned from Government service in 1943?

Mrs. KURASCH. In 1943?

Mr. ARENS. Yes; March 17.

Mrs. KURASCH. 1943? Oh, I think I left considerably before that, but I believe I took a leave of absence on account of my health, so that the actual resignation must have taken place, and I do not recall the dates but if you say that, that is what my form says, that is probably when the official resignation took place.

Mr. ARENS. Did you at any time in the course of your employment with the National Labor Relations Board work in the office of the Secretary of the Board.

Mrs. KURASCH. No; I did not.

Mr. ARENS. During your employment with the National Labor Relations Board, did you at any time work in the office of Nathan Witt?

Mrs. KURASCH. No; I did not.

Mr. ARENS. During your employment with the National Labor Relations Board, did you at any time have an assignment which took you to Denver, Colo.?

Mrs. KURASCH. No.

Mr. ARENS. Did you at any time live in Denver?

Mrs. KURASCH. Yes; I did.

Mr. ARENS. Can you tell us the circumstances surrounding your residence in Denver?

Mrs. KURASCH. I do not understand your question.

Mr. ARENS. Why did you live in Denver?

Mrs. KURASCH. Because my husband was working there, and so I went there.

Mr. ARENS. Where was your husband working at that time?

Mrs. KURASCH. At the War Labor Board.

Mr. ARENS. And what was his job?

(Witness consulted her counsel.)

Mrs. KURASCH. I believe he was the regional attorney.

Mr. ARENS. For the National War Labor Board?

Mrs. KURASCH. Yes.

Mr. ARENS. During what years was he regional attorney for that Board?

Mrs. KURASCH. We went there in 1943, I think.

Mr. ARENS. You went to Denver in 1943; did you not?

Mrs. KURASCH. I think so.

Mr. ARENS. And you were there until 1945; were you not?

Mrs. KURASCH. I believe that is probably correct.

Mr. ARENS. Did you engage in any employment while you were in Denver?

Mrs. KURASCH. No, I did not.

Mr. ARENS. During your residence at Denver, while your husband was employed at the National War Labor Board, did you have occasion to make the acquaintanceship of a person by the name of Herbert Fuchs?

Mrs. KURASCH. Yes, I did.

Mr. ARENS. Please tell us the circumstances surrounding your acquaintanceship with Herbert Fuchs.

(Witness consulted her counsel.)

Mrs. KURASCH. I am sorry, that is not correct. I did not.

Mr. ARENS. I do not understand. You did not what?

Mrs. KURASCH. I did not during the time of my residence in Denver make the acquaintance of Herbert Fuchs.

Mr. ARENS. Did you know him while you were in Denver, from 1943 until 1945?

(Witness consulted her counsel.)

Mrs. KURASCH. Yes, I did.

Mr. ARENS. What was the nature of your acquaintanceship with him?

Mrs. KURASCH. It was a social acquaintance.

Mr. ARENS. Is that the only basis upon which you had an acquaintanceship with him?

Mrs. KURASCH. He worked in my husband's office, and he was an associate.

Mr. ARENS. Kindly answer the question, Is that the only basis upon which you had an acquaintanceship with Herbert Fuchs?

Mrs. KURASCH. I do not know what you mean. What kind of relationship are you referring to?

Mr. ARENS. Are you certain you do not know what I mean?

Mrs. KURASCH. Yes, I am certain.

Mr. ARENS. Did you and your husband ever belong to any organization of which Mr. Fuchs was a member?

Mrs. KURASCH. I refuse to answer that question.

Mr. ARENS. Why do you?

Mrs. KURASCH. Well, I believe the Constitution——

(Witness consulted her counsel.)

Mrs. KURASCH. —Says I need not testify against myself.

Mr. ARENS. Do you feel that if you told this committee whether or not you and your husband, while you were in Denver, between 1943 and 1945, were in an organization of which Herbert Fuchs was a member, you would be supplying information which could be used against you in a criminal proceeding?

Mrs. KURASCH. Well, I did not say that. I believe that the Constitution simply says that a witness need not testify against himself.

Mr. ARENS. In what type of a proceeding?

Mrs. KURASCH. I do not know if I need to interpret it.

Mr. ARENS. I am going to request the chairman of this committee to order you to answer that question. The reason I am going to do so is because before you are entitled to assert or invoke the privilege of the fifth amendment you must truly and honestly apprehend that an answer to the principal question would supply information which might be used against you in a criminal proceeding. Now, I am going to repeat the question.

Do you honestly, Mrs. Kurasch, apprehend that if you gave a truthful answer as to whether or not you and your husband were members of an organization of which Herbert Fuchs was likewise a member, that you would be giving information which could be used against you in a criminal proceeding? Now, answer that question.

(Witness consulted her counsel.)

Mrs. KURASCH. I still refuse to answer on the basis of the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer this question.

Mr. DOYLE. The committee is not satisfied with your answer, and I do instruct you to answer the question.

(Witness consulted with her counsel.)

Mrs. KURASCH. I refuse to answer on the basis of the fifth amendment.

Mr. ARENS. Tell us all the organizations of which you and your husband were members while you and he lived in Denver between 1943 and 1945?

(Witness consulted with her counsel.)

Mrs. KURASCH. I am sorry, but I am beginning to be upset about being asked questions about my husband. I am here to testify about myself, but I think in common decency I should not be asked any questions about my husband. I am very proud of my husband, if that is what you would like to know.

Mr. ARENS. Are you proud of his associations and activities of the past?

Mrs. KURASCH. Mr. Chairman, do you think that is a proper question?

Mr. ARENS. Mr. Chairman, the witness has made an assertion here on this record, under oath, that she is proud of her husband, and now I want to ask her whether or not she is proud of the associations and activities which her husband had, specifically when she and he were living in Denver.

Mrs. KURASCH. Yes, I certainly am very proud of him, for everything he has ever done.

Mr. ARENS. Do you know whether or not your husband has been a member of the Communist conspiracy?

(Witness consulted with her counsel.)

Mrs. KURASCH. Must I be asked questions about my husband?

Mr. DOYLE. It appears a pertinent question. We are investigating the extent to which the Communists have infiltrated the Federal Government and you have testified that your husband was employed by the Federal Government in Denver. The purpose of this hearing is to investigate the extent to which the Communists have infiltrated Federal Government agencies with particular reference to the National Labor Relations Board.

Mrs. KURASCH. Well, I understand the rules of this committee and common decency would forbid you to ask me a question about my husband.

Mr. ARENS. Do you feel that you have a responsibility and a duty as a citizen of the United States to supply information to a duly constituted committee of the United States Congress inquiring with references to penetration of this Government by persons allied with the international Communist conspiracy?

(Witness consulted her counsel.)

Mr. DOYLE. Before the witness answers that question, Mr. Counsel, I might further state for her benefit that, the purpose of this hearing, so far as you are concerned, is bearing on the subject of not only the infiltration of the Communist Party in Government employment at the time you lived in Denver, but we are also interested in this matter with respect to the question of legislation. In other words, we want to see if we can devise ways and means of preventing Communist Party members from obtaining or infiltrating Federal Government employment.

We know there was a Communist cell in Denver, at the very time you were there. We also know that there was a Communist cell in Denver among some of the Federal employees in Denver, at the very time you and your husband were there. I should think that you, being the mother of several fine children, as you have testified, would be interested in helping your Congress discover the extent and the ways and means by which Communists operated to get into Federal employment of the National Labor Relations Board or any other agency.

Does that make it clear as to why we are questioning you?

Mrs. KURASCH. Yes, I understand that, but I still do not see why I should be questioned about my husband. Do you not think that these questions should be asked of him? I cannot testify against my husband.

Mr. DOYLE. We are not charging him with any crime.

Mr. JAFFE. May I just say, Mr. Doyle, that what the lady is referring to is solely the question of your asking her about her husband. Your rules say that you would not do it, and she is simply suggesting that the rules should be applied in this case.

The committee has already questioned her husband fully. Under the circumstances, I do not think that she should be asked about that.

Mr. DOYLE. We have a distinguished legal counsel, and he does not knowingly violate any of the rules of the committee. I want the record to show that. Mr. Arens is substituting as you know for our distinguished committee counsel, Mr. Tavenner, who is ill. Mr. Arens has done a handsome job, and we appreciate him being here, from the Senate committee to help us.

I think it is a proper question, and not in violation of the intent and purpose of the committee rule. We have certain evidence that is being developed by counsel, and he knows the bounds of it. Proceed, please.

Mr. ARENS. I have put it to you as a fact, Mrs. Kurasch, and ask you to affirm or deny the fact that while you were in Denver, Colo., you and your husband were members of a Communist Party cell?

Mrs. KURASCH. I claim the fifth amendment.

Mr. ARENS. When you say you claim the fifth amendment, what do you mean?

Mrs. KURASCH. I mean that I am refusing to answer because the Constitution of the United States says that a witness need not testify against oneself.

Mr. ARENS. In what type of proceeding?

(Witness consulted her counsel.)

Mr. JAFFE. May I suggest, Mr. Doyle, that this witness should not be catechized on the Constitution. She is not a lawyer.

Mr. DOYLE. Just a moment, counsel. I always hesitate to ask counsel to strictly obey the rules of the committee, but as you know we do not permit this. I am not criticizing you.

Mr. ARENS. Do you honestly apprehend that if you told this committee a truthful answer as to whether or not you and your husband were members of a Communist Party cell, while you were residents of Denver, from 1943 to 1945, you would be supplying information which could be used against you in a criminal proceeding?

(Witness consulted her counsel.)

Mrs. KURASCH. I claim the fifth amendment.

Mr. ARENS. I respectfully suggest the witness be ordered and directed to answer that question.

Mr. DOYLE. The committee is not satisfied with your reply as constituting a valid and sufficient answer. Therefore, I do instruct you to answer the question.

Mrs. KURASCH. I respectfully claim the fifth amendment.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that while you and your husband were in residence at Denver, from 1943 to 1945, you were both members of a Communist Party cell created of employees of the War Labor Board and their spouses?

Mrs. KURASCH. Mr. Arens, that is the same question.

Mr. ARENS. Would you kindly answer the question?

Mrs. KURASCH. I claim the fifth amendment.

Mr. ARENS. During your residency in Denver, did you have occasion to make the acquaintanceship of a person by the name of Philip Reno?

Mrs. KURASCH. Yes.

Mr. ARENS. What were the circumstances surrounding that acquaintanceship?

Mrs. KURASCH. He was employed in the office where my husband was employed.

Mr. ARENS. Is that the only basis upon which you had an acquaintanceship with Philip Reno?

Mrs. KURASCH. I do not exactly understand but we may have had some social—

Mr. ARENS. You recognize that you are here before this committee and you have taken an oath before almighty God to tell the whole truth, have you not?

Mrs. KURASCH. Yes.

Mr. ARENS. Will you tell us the whole truth as to whether or not the acquaintanceship which you had with Philip Reno was confined exclusively to an office acquaintanceship and to a social acquaintanceship?

(Witness consulted with her counsel.)

Mrs. KURASCH. I claim the privilege of the fifth amendment.

Mr. ARENS. The truth is, is it not, that Philip Reno and you and your husband acted in concert in the Communist conspiracy which was set up at Denver, Colo.?

Mrs. KURASCH. I claim the fifth amendment.

Mr. ARENS. Did you know a person by the name of John W. Porter?

Mrs. KURASCH. Yes, I did.

Mr. ARENS. Tell us the nature of that acquaintanceship?

Mrs. KURASCH. He, too, was employed at the office where my husband worked, and I knew him socially.

Mr. ARENS. Is that the extent of your acquaintanceship with John W. Porter?

(Witness consulted with her counsel.)

Mrs. KURASCH. I do not know what you mean.

Mr. ARENS. You know what I mean just as surely as you know you are sitting there. Will counsel let us handle this proceeding? Counsel is here to advise the witness and not to run the committee. Now, would you kindly tell us whether or not you had any acquaintanceship with John W. Porter, other than a social or business acquaintanceship?

Mrs. KURASCH. Do I not have the right to consult with my counsel?

Mr. ARENS. You have the privilege of consulting with counsel.

Mrs. KURASCH. May I exercise that privilege?

Mr. ARENS. You may consult with counsel.

Mrs. KURASCH. Yes, and I would appreciate it if you did not shout at me, you are making me nervous.

Mr. ARENS. You have no idea how our patience is tried here, at the counsel table, and among the members of this committee by witnesses such as yourself.

Would you kindly tell us now in all fairness, whether or not you and your husband had an acquaintanceship or an association with John W. Porter other than the acquaintanceship in the office of the National Labor Relations Board, the National War Labor Board, or a social acquaintanceship?

Mrs. KURASCH. I claim the privilege of the fifth amendment.

Mr. ARENS. And you knew all of the time, did you not, what I was driving at?

Mrs. KURASCH. No, I think that is wrong to say that.

Mr. ARENS. Will you tell us every association that you had with John W. Porter?

Mrs. KURASCH. You mean every time I had lunch with him?

Mr. ARENS. Start over again. You knew John W. Porter as a fellow employee of your husband in the National War Labor Board, did you not?

Mrs. KURASCH. Yes.

Mr. ARENS. You knew John W. Porter socially, did you not?

Mrs. KURASCH. Yes.

Mr. ARENS. Now, did you belong to any clubs in which John W. Porter was a member, bridge clubs, we will say?

Mrs. KURASCH. I still claim the privilege on that question.

Mr. ARENS. Did you belong to any bridge clubs in which John W. Porter was a member?

Mrs. KURASCH. I claim the privilege.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question, because membership in a bridge club could not possibly give or create facts which could be used against this witness in a criminal proceeding.

Mr. DOYLE. I instruct you to answer the question, and of course I can conceive that there might have been a Communist Party bridge club, and in that case it might be embarrassing to the witness. However, I instruct you to answer the question.

Mrs. KURASCH. I am sorry, but I must claim the privilege.

Mr. ARENS. Did you and your husband belong to any organizations of which John W. Porter was a member which were non-Communist, nonsensitive, and nonconspiratorial in nature?

(Witness consulted with her counsel.)

Mrs. KURASCH. I claim the privilege.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

Mr. DOYLE. We are not satisfied that your answer is legitimate and given in good faith, and I do instruct you to answer the question.

Mrs. KURASCH. I still claim the privilege.

Mr. ARENS. Did you know John W. Porter's wife, Margaret Benet Porter?

Mrs. KURASCH. Yes, I did, in the same manner.

Mr. ARENS. What do you mean, in the same manner?

Mrs. KURASCH. Well, she was a wife of an employee [witness consulted with her counsel] and, of course, I knew her husband socially and I knew her socially.

Mr. ARENS. And that, of course, is the extent of your acquaintanceship with Margaret B. Porter?

Mrs. KURASCH. I refuse to answer that question.

Mr. ARENS. And you feel, of course, that if you told us a truthful answer to that question you would be supplying information which might be used against you in a criminal proceeding?

Mrs. KURASCH. Since I have answered this kind of a question, I think that you are badgering me, Mr. Arens.

Mr. ARENS. Will you answer the question again?

Mrs. KURASCH. I claim the privilege of the fifth amendment.

Mr. ARENS. During your residency at Denver, did you have occasion to make the acquaintanceship of a person by the name of Edward Scheunemann?

Mrs. KURASCH. Yes, sir.

Mr. ARENS. Tell us the nature of that acquaintanceship.

Mrs. KURASCH. I believe his wife was employed at the office where my husband was employed, and therefore we knew them socially.

Mr. ARENS. Is that the only way you knew him?

Mrs. KURASCH. I plead the privilege of the fifth amendment.

Mr. ARENS. In other words, if you told this committee the truth, as to whether or not you and your husband knew Edward Scheunemann and his wife, Cecelia Scheunemann, in any way other than in a social capacity, you would be supplying information which could be used against you in a criminal proceeding; is that not true?

Mrs. KURASCH. I claim the privilege of the fifth amendment.

Mr. ARENS. I respectfully suggest this witness be ordered and directed to answer that question.

Mr. DOYLE. I instruct you to answer the question.

Mrs. KURASCH. I will still have to claim the privilege.

Mr. ARENS. Did you know Gerald J. Matchett, and his wife Margaret Matchett?

Mrs. KURASCH. I did.

Mr. ARENS. Tell us the nature of that acquaintanceship?

Mrs. KURASCH. Mr. Matchett was employed at the office where my husband was employed.

Mr. ARENS. Where was Mrs. Matchett employed?

Mrs. KURASCH. I do not recall.

Mr. ARENS. How did you happen to know Mrs. Matchett?

Mrs. KURASCH. I knew Mr. Matchett socially so of course I knew his wife socially.

Mr. ARENS. And that is the only way by which you happened to have this acquaintanceship with Gerald and Margaret Matchett; is that correct?

Mrs. KURASCH. You asked me this question so many times, and I still——

(Witness consulted her counsel.)

Mr. ARENS. Every time you give me the same answer.

Mrs. KURASCH. I feel that you are sort of building up statistics.

Mr. ARENS. We are just seeking information, on the international Communist conspiracy which is dedicated to the overthrow of this Government by force and violence, and if you have information on that I would respectfully suggest that you either give it to us or invoke your privilege under the fifth amendment and give us the reason for the privilege.

Now, tell us whether or not you and your husband knew Gerald and Margaret Matchett in any capacity other than in a social capacity?

Mrs. KURASCH. I claim the privilege.

Mr. ARENS. Did you know a person by the name of Raymond LaVallee?

Mrs. KURASCH. Yes; I did.

Mr. ARENS. Did you know his wife, Corina LaVallee?

Mrs. KURASCH. Yes, sir.

Mr. ARENS. Tell us the nature of your acquaintanceship with them.

Mrs. KURASCH. I believe Mr. LaVallee was employed at the office where my husband was employed and I knew them socially.

Mr. ARENS. How often did you see them?

Mrs. KURASCH. I could not possibly recall that.

Mr. ARENS. Did you see them as much as, say, once a month?

Mrs. KURASCH. I really do not know, because I might have walked into the office and seen Mr. LaVallee, but I really could not say.

Mr. ARENS. Did you ever meet with them regularly?

Mrs. KURASCH. Regularly?

Mr. ARENS. Yes, periodically?

Mrs. KURASCH. No, I would hardly describe it as that.

Mr. ARENS. Did you meet with them at any time in your home?

Mrs. KURASCH. I would say socially—what do you mean, meet?

Mr. ARENS. Since Counsel asked you to have me explain that to you, I will. I mean have a session other than a social session with them?

Mrs. KURASCH. I refuse to answer that question.

Mr. ARENS. Do you feel that if you told this committee the truth as to whether or not you did have meetings or sessions with the LaVallees other than social sessions you would be supplying information which could be used against you in a criminal proceeding?

Mrs. KURASCH. I must plead the fifth amendment.

Mr. DOYLE. Do I understand, Counsel, that this question related to meetings in her own home?

Mr. ARENS. Yes, sir. Other than social meetings.

Did you know a person by the name of Dwight Spencer, and his wife, Mary Spencer?

Mrs. KURASCH. Yes, I did.

Mr. ARENS. Tell us the nature of the acquaintanceship you had with them.

Mrs. KURASCH. I believe Mr. Spencer was employed at the office where my husband was employed.

Mr. ARENS. Did he belong to any group or organization of which your husband was a member?

Mrs. KURASCH. I plead my privilege under the fifth amendment.

Mr. ARENS. What was the nature of your acquaintanceship with Mary Spencer?

(Witness consulted with her counsel.)

Mrs. KURASCH. It is just the same as the others, I knew her socially.

Mr. ARENS. You knew Mary Spencer the same as you knew the others, in the same capacity, is that correct?

(Witness consulted with her counsel.)

Mrs. KURASCH. I do not understand.

Mr. JAFFE. What does that question mean?

Mrs. KURASCH. Yes, what does that question mean?

Mr. ARENS. You are the one who used the language, and I am putting it back to you. You said you knew her the same as you knew the others, and I am asking you if that is correct.

Mrs. KURASCH. But you phrased your question differently, you said, in what capacity, and what do you mean in what capacity?

Mr. ARENS. What do you mean by it?

Mrs. KURASCH. I did not use it.

Mr. ARENS. You said that you knew Mary Spencer the same as you knew the others. Tell us what you meant. This is not a game we are playing; we are undertaking to elicit information for the security of this Nation, under whose flag you claim protection.

Kindly tell us the nature of the acquaintanceship which you have had with Mary Spencer.

(Witness consulted with her counsel.)

Mrs. KURASCH. I have answered that question.

Mr. ARENS. Answer it again, please.

Mr. JAFFE. Ask the chairman whether——

Mr. ARENS. Counsel is here to advise the witness, and not to testify for his witness.

Mr. JAFFE. I can't whisper to Mrs. Kurasch, because she would not be able to hear me, she has a little hearing defect.

Mr. ARENS. Counsel is here to advise the witness on her rights.

Mr. DOYLE. So that she can hear, take whatever time is necessary to advise your witness as to her constitutional privilege. But we do have to be rather strict in seeing that the witness does not look to counsel to put words in her mouth. I am not saying that you have, sir.

Mr. JAFFE. I am sure that you would not say that.

Mr. DOYLE. I am not saying that, but I think this is the first time you have been here with us.

Mr. JAFFE. I was here last week.

Mr. DOYLE. You take whatever time you need so that your client can hear you without being embarrassed.

Mr. JAFFE. I want to tell you that I have no objection to your hearing me as well.

Mr. ARENS. The only objection I have, if the Chairman pleases, is for counsel to sit here and tell the witness specifically in high verbal

tones what words to use in response to queries which we pose; he just did it, and I heard him.

Mr. JAFFE. Please do not say that, Mr. Arens.

Mr. DOYLE. Let us proceed. To be perfectly frank with you, madam, my impression is that we are asking your prompt cooperation.

Mrs. KURASCH. I am trying to give it.

Mr. DOYLE. My impression, and let me be frank with you, is that you are answering the question with as little information as you can. Mr. Arens is trying to get information, and at times my impression is that you are not cooperating in giving him the information that you could.

I think it is perfectly clear. When you said that you knew this woman the same as you knew the others, what did you mean by that? That is what the counsel wants to know.

Mrs. KURASCH. It is just that the counsel phrased it in an odd way. Now, I cannot remember.

Mr. DOYLE. He asked you in what capacity you knew this woman.

Mrs. KURASCH. I knew them socially.

Mr. ARENS. Tell us whether or not you knew a person by the name of Don Plumb, when you and your husband resided in Denver, between 1943 and 1945.

Mrs. KURASCH. Yes, I did.

Mr. ARENS. Tell us the nature of that acquaintanceship.

Mrs. KURASCH. Mrs. Plumb was employed at the office where my husband was employed and I knew them socially.

Mr. ARENS. Was that the extent of your acquaintanceship with them?

Mrs. KURASCH. I refuse to answer that question.

Mr. ARENS. Do you understand the question?

Mrs. KURASCH. I think you should be specific.

Mr. ARENS. I will be specific. Were you and your husband, Don Plumb and Arlyne Plumb, and the others we have mentioned, all members of a Communist Party cell in Denver?

Mrs. KURASCH. I claim my privilege under the fifth amendment.

Mr. ARENS. If you told this committee whether or not you and these other persons named here in this session were members of a Communist Party cell in Denver, would you be supplying information which could be used against you in a criminal proceeding?

Mrs. KURASCH. I plead the fifth amendment.

Mr. KEARNEY. I would like to ask the witness if you were not a member of the Communist Party in Denver, would you so state to this committee?

Mrs. KURASCH. I plead the fifth amendment.

Mr. ARENS. During your residency in Denver, did you acquire knowledge respecting the transmission of information acquired from Government files to a person not authorized by law to receive the same?

(The witness conferred with her counsel.)

Mrs. KURASCH. Certainly not.

Mr. ARENS. Did you acquire information respecting a concerted plan of action by a group which was dedicated to the overthrow of this Government by force and violence?

(The witness conferred with her counsel.)

Mrs. KURASCH. No.

Mr. ARENS. Did you and your husband engage in the promotion or dissemination of propaganda of a Communist variety?

(The witness conferred with her counsel.)

Mr. JAFFE. Would you be good enough to read the question, please?

(The reporter read from his notes as requested.)

Mrs. KURASCH. I will claim the privilege on that question.

Mr. ARENS. After you and your husband concluded your residency in Denver, where did you go?

Mrs. KURASCH. We moved back to Washington, D. C.

Mr. ARENS. And your husband, as I recall from his testimony, resumed his employment in the Federal Government in Washington?

Mrs. KURASCH. Well, it wasn't terminated.

Mr. ARENS. Now, he then came back to Washington to go to work, is that correct?

Mrs. KURASCH. That is right.

Mr. ARENS. In what agency did he work?

Mrs. KURASCH. The same one, I believe.

Mr. ARENS. How long did he work here in that agency, the National War Labor Board?

Mrs. KURASCH. I don't recall. You will have to ask him.

Mr. ARENS. Was it a matter of some few years or some few months?

Mrs. KURASCH. I don't recall.

Mr. ARENS. When you came back to Washington you know whether or not your husband worked either a matter of months or a matter of years; do you not?

Mrs. KURASCH. I really don't recall. I just don't know how long it was.

Mr. ARENS. How long did you live in Washington, after your return from Denver?

(The witness conferred with her counsel.)

Mrs. KURASCH. Let's see. I think we came back in 1945, and probably lived here about 3 or 4 years.

Mr. ARENS. During those 3 or 4 years, was your husband continuously employed in the Federal Government?

Mrs. KURASCH. No. I believe sometime prior to our departure he left.

Mr. ARENS. He left to go into the practice of law; is that correct?

Mrs. KURASCH. I believe so.

Mr. ARENS. After you and your husband returned to Washington in 1945, did you belong to any organization with him of a Communist variety?

Mrs. KURASCH. I claim the privilege on that question.

Mr. ARENS. Have you ever disassociated yourself from the Communist Party?

(The witness conferred with her counsel.)

Mrs. KURASCH. That is an outrageous question. I claim the privilege on that question.

Mr. DOYLE. Do you understand the question, madam?

Mrs. KURASCH. Well, you are presuming or assuming that I was a member and, therefore, I disassociated myself, and I say that I will not answer questions with regard to my political thinking or activities. I plead the fifth amendment. Therefore, this question is what I

think would be called a trick question, like "Have you stopped beating your wife?"

Mr. ARENS. You said you would not answer questions respecting your political thinking. Would you kindly tell us whether or not, on the basis of your background and experience, the Communist Party is a political party or is it a conspiracy to overthrow the Government?

(The witness conferred with her counsel.)

Mrs. KURASCH. I will claim my privilege on that.

Mr. ARENS. Are you now a member of the Communist Party?

Mrs. KURASCH. I claim my privilege.

Mr. ARENS. Mr. Chairman, I respectfully suggest this concludes the staff inquiry of this witness.

Mr. DOYLE. Mr. Willis, any questions?

Mr. WILLIS. No questions.

Mr. DOYLE. Mr. Kearney?

Mr. KEARNEY. No questions.

Mr. DOYLE. May I just ask the witness a couple of questions. I could not help but notice a couple of minutes ago in answer to counsel's question as to whether or not these persons he named to you had met in your home, you claimed the privilege. Do you remember that?

Mrs. KURASCH. Yes. I think I remember the question.

Mr. DOYLE. It is a fact, is it not, at the time your husband worked for the National War Labor Board in Denver, that you did have Communist cell meetings in your home? Is that not true?

Mrs. KURASCH. I claim the privilege on that question.

Mr. DOYLE. How often were those meetings held in your home?

Mrs. KURASCH. You are assuming that meetings were held. I am just not answering that question on the basis of the fifth amendment.

Mr. DOYLE. I do not think I am assuming anything.

Mrs. KURASCH. When you say how often were they held, what else could you be assuming?

Mr. DOYLE. Of course, we think we have plenty of testimony as to what the facts are. We are hoping that you might help us to understand the extent to which attorneys for the War Labor Board and their wives participated in Communist cell meetings in your home or elsewhere.

Mrs. KURASCH. You say you have testimony. Do you have testimony that meetings of any nature were held in my home?

Mr. ARENS. Do you deny it?

(The witness conferred with her counsel.)

Mr. JAFFE. She asked the question of the chairman.

Mr. DOYLE. Just a minute.

Mr. JAFFE. You asked the question of the chairman, not of Mr. Arens.

Mr. DOYLE. You would not be here under subpoena if we did not have plenty of sworn testimony that you were identified as a member of a Communist Party cell in Denver. Do you deny that you were?

Mrs. KURASCH. You said—I asked you if you have testimony that there were meetings held in my home. That was the question.

Mr. DOYLE. What difference would it make to you if I told you "Yes."

Mrs. KURASCH. You asked the question. I am just asking you if you have testimony.

Mr. DOYLE. Would you still claim the privilege if I said we did or would you tell the truth?

(The witness conferred with her counsel.)

Mrs. KURASCH. If I claim the privilege, does that mean that I am not telling the truth? The fifth amendment, as I understand, protects the innocent.

Mr. DOYLE. You are very well informed and show a familiarity with the problem that you face as a witness, in the use of the language used. I understand that. May I ask you this: Are you a mother of several children at this time?

Mrs. KURASCH. Yes.

Mr. DOYLE. You worked for the Federal Government several years; is that correct?

Mrs. KURASCH. Over 15 years ago, yes.

Mr. DOYLE. And your husband did also?

Mrs. KURASCH. Yes.

Mr. DOYLE. Let me put it straight to you, please. Here you are—the mother of American children—yet you come before this committee and claim the privilege on the question of whether you are now a member of the Communist Party. May I state this: Quite frequently we have witnesses before us who say under oath that they are not now members of the Communist Party. I do not understand how any patriotic American citizen can stay so close to the Communist outfit yet when they come before this committee claim the privilege as to whether or not they are members of the Communist Party at the time they are in the witness chair. Do you understand what I am saying to you?

(The witness conferred with her counsel.)

Mr. DOYLE. I can understand how people may have been members of the Communist Party years ago, and, therefore, claim the privilege. But I do not understand how you, a mother of children, can be under the oath before this committee of your own Congress today, and yet not be in a position to say you are not now a member of the Communist Party. I do not understand how any patriotic American citizen can leave himself or herself in that position.

Mrs. KURASCH. I don't understand. Do you mean that a patriotic American citizen would not claim the privilege of the fifth amendment?

Mr. DOYLE. I mean that any patriotic American citizen, whether a mother of American children or not, would have so far divorced herself from the Communist Party before she came into this room that she could then honestly testify that she was not now a member of the Communist Party. That is what I mean.

But, apparently, you have not, because you still feel that it is—

Mrs. KURASCH. You mustn't make such inferences. I didn't say that I did or did not. I merely claimed the privilege not to answer the question. That is my understanding of the privilege of the fifth amendment.

Mr. DOYLE. That is right, and you should thank God that you are an American citizen.

Mrs. KURASCH. I do, and I am a good American citizen and my husband is a good American citizen.

Mr. DOYLE. We do not draw any inferences when you use the privilege.

Mrs. KURASCH. You are drawing an inference. You said so.

Mr. DOYLE. I am not. I did not say I was drawing the inference. I said I am putting you in the position that I am disappointed with you, that you as an American citizen have not divorced yourself from the Communist Party so far that you can say you are not now a member.

Mrs. KURASCH. Is that an inference, that you are disgusted with me?

Mr. DOYLE. I am being frank with you. I want to close with this statement, and I am glad you are a bit angry about it. I should think you would be angry at yourself as well as others.

Mrs. KURASCH. I am angry, and I have been angry. I have been trying to control my temper. I think this is an outrageous proceeding.

Mr. DOYLE. I hope the time will come before long when you are so far divorced from any positions you have been in that you will not have to claim your privilege when you are before a committee of the Congress of the United States as to your affiliation at that moment. I am not referring to yesterday or a year ago. I am referring to this time. No inferences are drawn against you.

Thank you.

Mr. Kearney?

Mr. KEARNEY. In view of the witness' attitude, I would like to ask this one question: Do you believe that members of the Communist conspiracy should be employees of the United States Government?

Mrs. KURASCH. I am sorry, I didn't quite understand the question.

Mr. KEARNEY. Do you believe that members of the Communist conspiracy should be employees of the United States Government and have their salaries paid for by the taxpayers of America?

Mrs. KURASCH. Well, I don't understand. Do you mean the Communist Party? I don't know what the—

Mr. KEARNEY. I think you understand all right. It is a very simple question to answer.

(The witness conferred with her counsel.)

Mrs. KURASCH. I will plead the fifth amendment on that question.

Mr. KEARNEY. I thought so.

Mr. ARENS. Mr. Chairman, I respectfully suggest we have a 5-minute recess.

Mr. DOYLE. The committee will stand in recess for 5 minutes.

Mr. JAFFE. Is the witness excused?

Mr. DOYLE. Are you finished with the witness, Mr. Arens?

Mr. ARENS. Yes.

Mr. DOYLE. The witness is excused. Thank you.

(Brief recess.)

Mr. DOYLE. The committee will come to order.

Mr. DOYLE. Let the record show that the committee reconvenes after the 5-minute recess and all 3 members of the subcommittee are present.

Mr. ARENS. Mr. Jacob Krug.

Please remain standing and raise your right hand and be sworn.

Mr. DOYLE. Do you solemnly swear that the testimony you shall give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KRUG. I do.

**TESTIMONY OF JACOB H. KRUG, ACCOMPANIED BY COUNSEL
JOSEPH A. FANELLI**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. KRUG. My name is Jacob H. Krug. I am an attorney with offices at 1822 Jefferson Place, Washington, D. C. I live in the Washington, D. C., area.

Mr. ARENS. Are you appearing today, Mr. Krug, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. KRUG. That is correct.

Mr. ARENS. Are you represented by counsel?

Mr. KRUG. That is right.

Mr. ARENS. Will counsel kindly identify himself?

Mr. FANELLI. It is Joseph A. Fanelli. I maintain law offices at 1701 K Street NW., and am a member of the District of Columbia Bar.

Mr. ARENS. Do you practice by yourself, Mr. Fanelli?

Mr. FANELLI. No; I am here as a close personal friend of the witness. I am not here as a partner of the firm of Fanelli & Freehill. I am here by courtesy and as a friend.

Mr. ARENS. Have you ever been known by any name other than the name which appears on your subpoena?

Mr. KRUG. No.

Mr. ARENS. Have you ever gone by any nicknames or any aliases of any kind or character?

Mr. KRUG. No aliases.

Mr. ARENS. Any nicknames?

Mr. KRUG. People call me Jack.

Mr. AHRENS. Kindly tell us where and when you were born.

Mr. KRUG. I was born in Connecticut, July 5, 1911.

Mr. ARENS. Give us a thumbnail sketch of your early life, please, Mr. Krug, where you were educated and the chronology of your education.

Mr. KRUG. I went to high school, I went to Yale College and Yale Law School, and graduated.

Mr. ARENS. When did you graduate from Yale?

Mr. KRUG. I graduated from Yale Law School in 1935 and was admitted to the Connecticut bar that same year.

Mr. ARENS. In what States are you admitted to practice?

Mr. KRUG. Connecticut and the District of Columbia.

Mr. ARENS. When were you admitted to practice in the District of Columbia?

Mr. KRUG. 1948.

Mr. ARENS. Please, give us in like manner, the chronology of your employments since you completed your formal education.

Mr. KRUG. I was employed by the Federal Government in 1943 by the National Recovery Administration.

Mr. ARENS. Where was that, please, sir?

Mr. KRUG. Washington, D. C.

Mr. ARENS. In what capacity?

Mr. KRUG. As an attorney.

Mr. ARENS. Proceed.

Mr. KRUG. I was then employed by the Resettlement Administration. This was also in 1935.

Mr. ARENS. In what capacity?

Mr. KRUG. All my employment with the Federal Government was as an attorney, in all the agencies I worked.

Mr. ARENS. Was your employment with the Resettlement Administration in Washington?

Mr. KRUG. That is correct.

Mr. ARENS. Continue in like vein, if you please, sir.

Mr. KRUG. I was then employed by the Puerto Rico Reconstruction Administration, part of the time in Puerto Rico and the rest of the time here in Washington, D. C.

Mr. ARENS. Give us the dates on that.

Mr. KRUG. I believe it began in December 1935, and it ended in June of 1937. I then worked again in Washington, D. C., as an attorney for the Rural Electrification Administration.

Mr. ARENS. What year was that, please, sir?

Mr. KRUG. June 1937 to January 1938.

Mr. ARENS. Proceed.

Mr. KRUG. Then I worked for the National Labor Relations Board from January 1938 until the middle or latter part of 1940. I was then out of Government service for a few months and came back to Government service with the——

Mr. ARENS. Excuse the interruption, please. You say, in 1940, you left the Government temporarily?

Mr. KRUG. That is correct.

Mr. ARENS. In what occupation were you engaged during that period?

Mr. KRUG. The practice of law.

Mr. ARENS. For how long was that?

Mr. KRUG. A few months.

Mr. ARENS. Proceed, please.

Mr. KRUG. I then resumed employment with the Federal Government at the Board of Immigration Appeals in the Department of Justice in January of 1941.

Mr. ARENS. How long did that employment continue?

Mr. KRUG. I stayed there until I entered the military service in October of 1942. I was in military service for just over 3 years, until October 1945.

Mr. ARENS. Will you hesitate a moment, please, was it 1942 to 1945 in the military?

Mr. KRUG. That is correct.

Mr. ARENS. In what branch of the service and where did you serve?

Mr. KRUG. The Army Air Force. I served overseas about 21 months, in Europe, England, France, Belgium, Holland, Germany.

Mr. ARENS. In what unit of the Army Air Force were you?

Mr. KRUG. I was assigned to the 321st Fighter Control Squadron, and later on most of us were changed over, I think, to the 327th Fighter Control Squadron, and then just before I came back to the United States in the summer of 1945 I was shifted, I think, to the 386th Fighter Squadron and I came back to the United States.

Mr. ARENS. In what capacity did you serve? In an administrative capacity, did you fly the airplanes or what did you do?

Mr. KRUG. The Army Air Force sent me to radio school and I became a radio operator, mostly operating with a little maintenance.

Mr. ARENS. Did you have a commission?

Mr. KRUG. No. I was a sergeant.

Mr. ARENS. You were discharged in 1945?

Mr. KRUG. That is correct.

Mr. ARENS. Return to your employment, please, sir.

Mr. KRUG. I returned to my employment at the Board of Immigration Appeals, a few weeks after my discharge.

Mr. ARENS. As an attorney, I take it?

Mr. KRUG. That is correct. I stayed there until I resigned in the early part of 1948. I resigned from the Government and have not been connected with the Government since that time.

Mr. ARENS. Was that in April of 1948?

Mr. KRUG. I believe so.

Mr. ARENS. Does that complete your Government service?

Mr. KRUG. That is correct.

Mr. ARENS. Please give us a word about your occupation since the termination of your Government service.

Mr. KRUG. I have been engaged in the practice of law here in Washington, D. C., since that time.

Mr. ARENS. During the course of your Government career, were you a member of the National Lawyers Guild?

Mr. KRUG. Because of the rights to which I am entitled under the first amendment of the Constitution and the fifth amendment of the Constitution, and any other constitutional privileges that may apply to me, I respectfully decline to answer that question.

Mr. ARENS. During the course of your Government career, were you a member of any professional groups?

Mr. KRUG. I am afraid I will have to give you the same answer.

Mr. WILLIS. You do not have to.

You do invoke the privilege of the fifth amendment?

Mr. KRUG. You understand correctly, Mr. Congressman.

Mr. WILLIS. Let me ask you this: Do you invoke the privilege of the fifth amendment?

Mr. KRUG. I respectfully decline to answer, Mr. Congressman, for the same reason which I outlined.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact that while you were in the employ of the Federal Government you were likewise a member of the National Lawyers Guild.

Mr. KRUG. I respectfully decline to answer, and I would like it understood that when I say that I mean for the reason that I have already given.

Mr. DOYLE. It is so understood.

Mr. ARENS. Have you ever been identified with the Washington Committee for Democratic Action?

Mr. KRUG. Same answer.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact that while you were in Washington you were a member of the Washington Committee for Democratic Action.

Mr. KRUG. Same answer.

Mr. ARENS. Were you ever a member of the Washington Bookshop?

Mr. KRUG. Same answer.

Mr. ARENS. I put it to you as a fact, and ask you affirm or deny the fact that you were, while in the employ of the Federal Government, a member of the Washington Bookshop?

Mr. KRUG. Same answer.

Mr. ARENS. Have you ever been identified with the American League for Peace and Democracy?

Mr. KRUG. Same answer.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact that while you were in the Federal Government you were identified as a member of the American League for Peace and Democracy.

Mr. KRUG. Same answer.

Mr. ARENS. I lay before you, Mr. Krug, a photostatic copy of a clipping from the Washington Times Herald of June 3, 1949, entitled "1872 Law Bans D. C. Race Bias," and I invite your attention specifically to that portion of this photostatic copy of this article alluding to activities by certain members of the National Lawyers Guild, in which the name of J. H. Krug appears. I ask first of all, whether or not you have ever seen that article before?

(Document handed to witness.)

Mr. KRUG. I don't recall ever seeing this article.

Mr. ARENS. Would you kindly glance at the article and see if that article refreshes your recollection respecting any activity by yourself?

(The witness conferred with his counsel.)

Mr. KRUG. I make the same answer. I respectfully decline to answer that question.

Mr. ARENS. Do you feel that if you gave this committee a truthful answer as to whether or not this newspaper article refreshes your recollection respecting an activity by yourself you would be supplying information which could be used against you in a criminal proceeding?

Mr. KRUG. That is right.

Mr. ARENS. I respectfully invite the attention of the committee to this excerpt from the article with reference to the National Lawyers Guild activities; it says:

Members of the guild committee which wrote the opinion are Joseph Forer, James A. Cobb, Daniel Crystal, Margaret A. Haywood, Charles H. Houston, J. H. Krug, and Herbert S. Thatcher.

There are other paragraphs in the article, but that is the pertinent excerpt of the article.

Sir, I will ask you whether or not you know a person by the name of Ruth Weyand.

Mr. KRUG. Yes.

Mr. ARENS. Tell us the nature of that acquaintanceship.

Mr. KRUG. I first met Ruth Weyand at the National Labor Relations Board. I was an attorney there and she was an attorney.

Mr. ARENS. Is Ruth Weyand, concerning whom we are now speaking, also known as Ruth Weyand Perry?

Mr. KRUG. That I don't know. I understand she got married since then. I don't know what her married name is.

Mr. ARENS. When did you know her?

Mr. KRUG. When I was at the Labor Board, 1938 to 1940.

Mr. ARENS. In what capacity was she employed?

Mr. KRUG. As an attorney. Let me say that I was in the Review Section, the division of the Board where the attorneys without much experience were employed. Ruth Weyand, on the other hand, worked in litigation, where attorneys had to have more experience, and usually were people, all people, of higher ability as attorneys. The ability of an attorney to handle litigation, of course, is a special sort of gift. I did not have that. I am just finishing now. I was one of the younger attorney in the Review Section and Ruth Weyand was in litigation.

Mr. ARENS. Did you belong to any organizations to which, to your certain knowledge, Ruth Weyand belonged?

Mr. KRUG. No.

Mr. ARENS. Did she not belong to the National Lawyers Guild?

Mr. KRUG. You said to my certain knowledge. Not to my certain knowledge.

Mr. ARENS. You do not know, then, whether or not Ruth Weyand was a member of the National Lawyers Guild?

Mr. KRUG. No.

Mr. ARENS. Have you ever been at the home or apartment of Ruth Weyand?

Mr. KRUG. No, never.

Mr. ARENS. Have you ever been in any meetings in which Ruth Weyand was in attendance, other than just sessions at the office?

Mr. KRUG. I cannot recall any meetings; no.

Mr. ARENS. Were you at any time a member of the lawyers' union of the National Labor Relations Board?

Mr. KRUG. Yes.

Mr. ARENS. During what period of time were you a member of that lawyers' union?

Mr. KRUG. I probably joined it soon after I came to the Board. I don't recall the exact time.

Mr. ARENS. That would be in what year?

Mr. KRUG. In 1938.

Mr. ARENS. Tell us, if you please, whether or not you knew anyone in the NRA in 1935, prior to the time you obtained your position there.

Mr. KRUG. I can't recall.

Mr. ARENS. Did anyone who was known by you to be a member of the Communist Party have anything to do with your employment in the NRA?

Mr. KRUG. No.

Mr. ARENS. Did you, during the time you were in the NRA, which apparently was just a matter of a few months, gain information respecting membership or activities of any person known by you to be in the Communist Party within that agency?

Mr. KRUG. No.

Mr. ARENS. Let's proceed to the Resettlement Administration. Was your position in the Resettlement Administration procured for you directly or indirectly by any person known by you to be a member of the Communist Party?

Mr. KRUG. No.

Mr. ARENS. During the time you were in the Resettlement Administration, did you acquire information respecting the membership or activity of any person known by you to be a member of the Communist Party within the Resettlement Administration?

Mr. KRUG. No.

Mr. ARENS. Was your position in the Puerto Rico Reconstruction Administration procured or facilitated by any person known by you to be a member of the Communist Party?

Mr. KRUG. No.

Mr. ARENS. Did you know anyone in the Puerto Rico Reconstruction Administration who was known by you to be a member of the Communist Party?

Mr. KRUG. No.

Mr. ARENS. Let us move on to the REA, beginning in 1937. Was your employment there obtained or facilitated by any person known by you to be a member of the Communist Party?

Mr. KRUG. No.

Mr. ARENS. Did you know anyone in REA who was known by you to be a member of the Communist Party?

Mr. KRUG. No.

Mr. ARENS. Let us move on to the NLRB. Was that employment in the NLRB procured by you or facilitated on your behalf by any person known by you to be a member of the Communist Party?

Mr. KRUG. No.

Mr. ARENS. Did you know anyone in the employ of the National Labor Relations Board during your employment there who, to your certain knowledge was a member of the Communist Party?

Mr. KRUG. I respectfully decline to answer that question.

Mr. ARENS. Do you feel that if you gave this committee a truthful answer to that question you would be supplying information which could be used against you in a criminal proceeding?

Mr. KRUG. I do.

Mr. ARENS. During the course of your employment in the National Labor Relations Board, who was your immediate superior?

Mr. KRUG. There were several supervisors. There were about 10 supervisors. I was shifted from one to the other. I must have had about 5 or 6.

Mr. ARENS. Name all five or as many of them whose names you can recall.

Mr. KRUG. Mr. Arens, I will see just which ones I can remember. I hesitate very much to drag into this proceeding names of people in whom the committee could conceivably have no interest whatsoever. (The witness conferred with his counsel.)

Mr. KRUG. On advice of counsel, I wish to answer the question—I wish, perhaps, to have it read to me again.

Mr. ARENS. Would you kindly read it to him again.

(The reporter read from his notes as requested.)

Mr. KRUG. Oh, yes, the supervisors: Joseph Friedman, he is now dead; Shad Polier; Rawlings Ragland.

(The witness conferred with his counsel.)

Mr. KRUG. The last one I can recall is Fuchs, Herbert Fuchs.

Mr. ARENS. Were any of the persons you are naming known by you to have been a member of the Communist Party?

Mr. KRUG. I respectfully decline to answer that question.

Mr. ARENS. Was Herbert Fuchs known by you to have been a member of the Communist Party?

Mr. KRUG. The same answer.

Mr. ARENS. During your employment at the National Labor Relations Board, did you participate in the preparation of any opinions of the Board?

Mr. KRUG. I think the answer to that question is that I did the routine work that the attorneys in the Review Section performed. That is, a case was assigned after the transcript arrived in Washington, the transcript of hearings held in the field. I was assigned the case; I went over the transcript, I consulted with the supervisor. Ultimately, we reported orally to the Board. That is, the review attorney and the supervisor. The Board reached the decision, instructed the attorneys on what the decision should be. I thereupon wrote a draft of the decision, and conferred again with my supervisor, who sometimes altered it, or almost always altered it, but sometimes altered it very extensively, and the opinion was then sent up to the Board for its consideration and signature.

Mr. ARENS. During your employment as an attorney in the National Labor Relations Board, did you at any time receive instructions or orders from any person likewise employed by the Board, who was known by you to be a member of the Communist Party?

Mr. KRUG. I am sorry, I didn't get that whole question.

Mr. ARENS. During your employment in the National Labor Relations Board as an attorney, did you at any time receive instructions or orders from any person likewise employed by the Board who was known by you to be a member of the Communist Party?

Mr. KRUG. I respectfully decline to answer that question.

Mr. ARENS. Did you while with the National Labor Relations Board acquire information respecting the transmission of any information by any employee to a person not authorized by law to receive the same?

Mr. KRUG. Not to my knowledge.

Mr. ARENS. Did you, while employed there, have information respecting a concerted action by persons within the National Labor Relations Board pursuant to the discipline and order of the Communist Party?

Mr. KRUG. No.

Mr. ARENS. Did you, in the course of your employment in the National Labor Relations Board, know a person by the name of Allan R. Rosenberg?

(The witness conferred with his counsel.)

Mr. KRUG. I respectfully decline to answer.

Mr. ARENS. Why?

(The witness conferred with his counsel.)

Mr. KRUG. On the ground that has been stated already.

Mr. ARENS. Do you feel that if you told this committee a truthful answer as to whether or not you knew Allan Rosenberg while you were employed at the National Labor Relations Board, you would be supplying information that could be used against you in a criminal proceeding?

Mr. KRUG. That is correct.

Mr. ARENS. Did you know a person by the name of Martin Kurasch?

Mr. KRUG. The same answer.

Mr. ARENS. Do you have the same apprehension with regard to him?

Mr. KRUG. That is correct.

Mr. ARENS. Did you know a person by the name of Joseph B. Robison?

Mr. KRUG. Same answer.

Mr. ARENS. And do you have the same apprehension?

Mr. KRUG. That is right.

Mr. ARENS. Did you know a person by the name of Lester Asher?

Mr. KRUG. Same answer.

Mr. ARENS. Do you have the same apprehension with reference to him?

Mr. KRUG. That is correct.

Mr. ARENS. Did you know a person by the name of David Rein?

Mr. KRUG. I respectfully decline to answer.

Mr. ARENS. Do you have the same apprehension with respect to David Rein?

Mr. KRUG. Yes.

Mr. ARENS. Did you know a person by the name of Woodrow Sandler?

Mr. KRUG. Yes.

Mr. ARENS. Do you have the same apprehension with respect to him?

Mr. KRUG. Of course not. I said I did know him.

Mr. ARENS. You do know him. I beg your pardon. What was the nature of your acquaintanceship with Woodrow Sandler.

Mr. KRUG. I knew him as an attorney at the Board. I sometimes had lunch with him casually. I knew him socially. Let's put it that way.

Mr. ARENS. Do you know whether or not Woodrow Sandler was ever a member of the Communist Party?

Mr. KRUG. I do not.

Mr. ARENS. Did you know a person by the name of Mortimer Riemer?

Mr. KRUG. I may have met him at the Board. I can't be positive. I probably did meet him and did know him by sight or something. I have a very vague recollection about it.

Mr. ARENS. Do you know whether or not Mortimer Riemer was a member of the Communist Party?

Mr. KRUG. No.

Mr. ARENS. Did you know or do you know a person by the name of John W. Porter?

Mr. KRUG. Yes.

Mr. ARENS. What was the nature of your acquaintanceship with him?

Mr. KRUG. I believe I met him through his wife.

Mr. ARENS. Is his wife Margaret B. Porter?

Mr. KRUG. That is right.

Mr. ARENS. And you also knew Margaret B. Porter?

Mr. KRUG. Yes.

Mr. ARENS. Do you know whether or not John W. Porter or Margaret B. Porter, or either of them, was a member of the Communist Party?

Mr. KRUG. Not to my knowledge.

Mr. ARENS. You have already given us your testimony with respect to Ruth Weyand.

Mr. KRUG. That is correct.

Mr. ARENS. Did you know a person by the name of Allen Heald?

Mr. KRUG. I will respectfully decline to answer.

Mr. ARENS. Do you apprehend that if you would give us a truthful answer to that principal question I have just posed you would be supplying information which could be used against you in a criminal proceeding?

Mr. KRUG. Yes.

Mr. ARENS. Did you know a person by the name of Harry Cooper?

Mr. KRUG. Yes.

Mr. ARENS. What was the nature of your acquaintanceship with him?

Mr. KRUG. Socially. I was friendly with him.

Mr. ARENS. Do you know whether or not Harry Cooper was a member of the Communist Party?

Mr. KRUG. No.

Mr. ARENS. When you say "No," you mean you do not know?

Mr. KRUG. I do not know.

Mr. ARENS. Did you know a person by the name of Edward Scheunemann?

Mr. KRUG. I would have to guess as to that. If I did know him, I don't remember his face. It is possible that I did.

Mr. ARENS. Do you know whether or not he was a member of the Communist Party?

Mr. KRUG. No; I do not.

Mr. ARENS. Did you know a person by the name of Bertram Diamond?

Mr. KRUG. I will respectfully decline to answer.

Mr. ARENS. Do you apprehend if you gave us a truthful answer to that principal question, you would be supplying information which could be used against you in a criminal proceeding?

Mr. KRUG. That is correct.

Mr. ARENS. And you have already given us your answer with respect to the query on Herbert Fuchs?

Mr. KRUG. Yes.

Mr. ARENS. Namely that you invoke the fifth amendment?

Mr. KRUG. The same answer.

Mr. ARENS. And you apprehend that in responding you would be supplying information that could be used against you in a criminal proceeding?

Mr. KRUG. That is correct.

Mr. WILLIS. But you did state you knew Fuchs.

Mr. KRUG. I stated he was one of my supervisors.

Mr. ARENS. We better clear the record here. Do you know whether or not Herbert Fuchs was a member of the Communist Party?

Mr. KRUG. I respectfully decline to answer that.

Mr. ARENS. And you have the same apprehension we have been talking about with respect to Mr. Fuchs?

Mr. KRUG. Yes.

Mr. ARENS. To your knowledge, did there exist in the National Labor Relations Board more than one Communist cell or group?

Mr. KRUG. I respectfully decline to answer that question.

Mr. ARENS. Was all of your employment in the National Labor Relations Board confined exclusively in the Washington area?

Mr. KRUG. Right in Washington, D. C.

Mr. ARENS. Did you have occasion to be out on field trips representing the board at any time?

Mr. KRUG. No, never.

Mr. ARENS. Did your disassociation from the National Labor Relations Board come about as a result of the advice, counsel or direction of any person known by you to be a member of the Communist Party?

Mr. KRUG. No.

Mr. ARENS. Was your position in the Resettlement Administration procured for you by any person known by you to be a member of the Communist Party?

Mr. KRUG. No.

Mr. ARENS. At the Rural Electrification Administration?

Mr. KRUG. No.

Mr. ARENS. Did you know of any Communist cell in the REA?

Mr. KRUG. No.

Mr. ARENS. Or in the Puerto Rico Reconstruction Administration?

Mr. KRUG. No.

Mr. ARENS. With respect to your association with the Board of Immigration Appeals, was your employment there caused directly or indirectly by any person known by you to be a member of the Communist Party?

Mr. KRUG. No.

Mr. ARENS. While you were in the Board of Immigration Appeals, did you know any one there, or in the Immigration and Naturalization Service, who was a Communist?

Mr. KRUG. No.

Mr. ARENS. During the course of your work in the Board of Immigration Appeals, were you under Communist Party discipline?

Mr. KRUG. I respectfully decline to answer.

Mr. ARENS. Were you a member of the Communist Party while you were in the Board of Immigration Appeals?

Mr. KRUG. I respectfully decline to answer.

Mr. ARENS. During your employment with the Board of Immigration Appeals, did you have occasion to write the opinions of the BIA?

Mr. KRUG. The arrangement there was somewhat similar to the arrangement at the National Labor Relations Board. That is, cases were assigned to us. Sometimes on a reading of the case—we knew what the law was and what the Board policy was, and the result was pretty obvious, and the attorney, therefore, drafted a decision for the Board without express orders.

Mr. ARENS. Did you have any cases relating to Communists assigned to you bearing on the 1917 Immigration and Naturalization Act?

Mr. KRUG. I can think of one. All I can think of is one.

Mr. ARENS. What was the style of that case, do you recall?

Mr. KRUG. I can't remember the name. I can tell you a little bit about it.

Mr. ARENS. I do not want to know too much about it. I just want to know whether you handled it.

Mr. KRUG. I can tell you. This had to do with a young man who was charged with having been a member of the Young Communist League, I believe. He was ordered deported. He was deported, so far as I know.

Mr. ARENS. Did you at any time during your employment at the Board of Immigration Appeals counsel with any person respecting

your work in the Board, who was known by you to be a member of the Communist Party?

Mr. KRUG. No.

Mr. ARENS. I asked you the question about Communist Party discipline. Did you during the course of your employment in the Board of Immigration Appeals have access to what is known as classified confidential, security, or restricted information?

Mr. KRUG. I really can't answer that question. I can't think of any offhand. I don't want to——

Mr. ARENS. The security files of the Immigration and Naturalization Service are restricted information, are they not?

Mr. KRUG. The security files? I can't recall handling a file that said "security file."

Mr. ARENS. Did you transmit to any person during your employment in the Board of Immigration Appeals, information which you acquired in the course of that employment to a person not authorized by law to receive the same?

Mr. KRUG. Not to my knowledge.

Mr. ARENS. Do you have any information respecting activities within the immigration field of the American Committee for Protection of Foreign Born?

(The witness conferred with his counsel.)

Mr. KRUG. After talking to my counsel, I wish to answer that question, but my memory plays tricks with me. Could I have the question read again?

(The reporter read from his notes as requested.)

Mr. KRUG. I knew something about the activities of that committee some years ago.

Mr. ARENS. Did you have anything to do with the committee?

Mr. KRUG. That is a very broad question, sir.

Mr. ARENS. We will straighten it out. Tell us what you had to do with that committee. What did you do in connection with the committee?

Mr. KRUG. I was on the mailing list of the committee, and that is all I know about it. To my best recollection, that is my only contact.

Mr. ARENS. Did you have any contact with Abner Green, the executive secretary of the American Committee for Protection of Foreign Born?

Mr. KRUG. When I was in New York, going around and talking to people, and seeing whether perhaps I could find some legal work——

Mr. ARENS. When?

Mr. KRUG. In 1948, early 1948, I met him.

Mr. ARENS. Excuse me, sir. Was that after you left the Board? You left the Board in 1948.

Mr. KRUG. Yes, it was just afterwards.

Mr. ARENS. Just after you had left the Government you had conversations with Abner Green, is that correct?

Mr. KRUG. That is correct.

Mr. ARENS. Tell us what caused that conversation to come about.

Mr. KRUG. That committee—my understanding was that that committee sometimes had legal work having to do with immigration cases. Since my work had been with the Board of Immigration Appeals, I anticipated that perhaps I might find out something about some immigration cases.

Mr. ARENS. You had been with the Board of Immigration Appeals for several years, had you not?

Mr. KRUG. Yes.

Mr. ARENS. And you were conversant with the fact that the American Committee for Protection of Foreign Born has been repeatedly cited by agencies of your Government as a Communist dominated and controlled agency?

Mr. KRUG. I don't believe, even taking that question at its broadest, Mr. ARENS, I don't believe at this time, in 1948, I was conversant with that fact.

Mr. ARENS. Did you know Abner Green?

Mr. WILLIS. Pardon me. He stated as a preface to his conversations with Abner Green that what led him to that gentleman was the fact that he knew that the Committee for Protection of Foreign Born had legal work having to do with immigration cases. I wish you would develop that. How did he know?

Mr. ARENS. Where did you acquire your information respecting the existence and activities of the American Committee for Protection of Foreign Born?

Mr. KRUG. I don't remember that.

Mr. ARENS. How did you happen to meet Abner Green?

Mr. KRUG. I think I was—there was a woman lawyer whom I had met, named Carol King.

Mr. ARENS. She was a Communist, was she not?

Mr. KRUG. Not to my knowledge, sir, not to my knowledge.

Mr. ARENS. Continue about Carol King. Was she previously associated with the American Committee for Protection of Foreign Born?

Mr. KRUG. I suppose so, yes.

Mr. ARENS. She had a reputation of representing Communists in deportation proceedings, had she not?

Mr. KRUG. I believe at that time I had heard she did represent some.

Mr. ARENS. You knew she did, did you not? You knew, until she died a year or so ago, that she was the principal Communist lawyer in New York City, did you not?

Mr. KRUG. Not to my knowledge.

Mr. ARENS. You met Carol King. How did you meet Carol King?

Mr. KRUG. I am trying to remember. She had argued immigration cases down at the Board sometimes.

Mr. ARENS. Do you remember what cases she represented before the Board of Immigration Appeals?

Mr. KRUG. I was just thinking about that, Mr. ARENS. My impression was that generally the cases that she argued down there were ordinary garden variety of immigration cases.

Mr. ARENS. Did you not acquire knowledge during the course of your service as an attorney at the Board of Immigration Appeals that Carol King was a Communist and represented the American Committee for Protection of Foreign Born in numerous cases in which Communists were up for deportation or denaturalization?

Mr. KRUG. I never acquired the knowledge from anyone that Carol King was a Communist.

Mr. ARENS. Did you know that Abner Green is and has been for many years, a hard, hard-core Communist?

Mr. KRUG. No, sir, I never knew that.

Mr. ARENS. Do you know it now?

Mr. KRUG. No, sir.

Mr. ARENS. What was the result of your conversation with Abner Green?

Mr. KRUG. He put me on the mailing list. That is the only result.

Mr. ARENS. Did he ever give you any cases?

Mr. KRUG. No, sir, I can't recall any, no.

Mr. ARENS. Were you ever in a Communist Party cell or engage in Communist activity with Abner Green?

Mr. KRUG. No.

Mr. ARENS. Have you kept in contact with Abner Green in the last few years?

Mr. KRUG. No.

Mr. ARENS. Did you know Louise Pettibone Smith, of the American Committee for Protection of Foreign Born?

Mr. KRUG. I never heard of her.

Mr. ARENS. When was the last time you had contact with Abner Green of the American Committee for Protection of Foreign Born?

Mr. KRUG. I don't know how long he was associated with that committee.

Mr. ARENS. When was the last time you had any contact with him as a person?

Mr. KRUG. I saw him a few weeks ago or a few months ago here in Washington.

Mr. ARENS. What occasions that observation?

Mr. KRUG. The observation?

Mr. ARENS. Yes. Did you see him walking down the street or how did you happen to see him?

Mr. KRUG. No, I saw him in a lawyer's office.

Mr. ARENS. Whose office was that?

Mr. KRUG. The office of Forer & Rein.

Mr. ARENS. Did you say that was a few months ago?

Mr. KRUG. Yes.

Mr. ARENS. What was the occasion for you being there?

Mr. KRUG. I got some legal material from Mr. Rein.

Mr. ARENS. For what purpose?

Mr. KRUG. For the purpose of my work, the work I was doing.

Mr. ARENS. Did you and Abner Green have conversations at that time?

Mr. KRUG. I talked to him a little bit, yes.

Mr. ARENS. Did you learn from Abner Green that he recently reported to his board of directors that he and Louise Pettibone Smith had just concluded setting up in 15 key States of this Nation fronts-in-front-of-that-front, namely the American Committee for Protection of Foreign Born, 100 organizations dedicated to the purpose of destruction of the McCarran-Walter Immigration and Nationality Act?

Mr. KRUG. My answer to that is this: My only contacts with Mr. Green I have repeated to you, I have told you about them. Mr. Green never told me anything about his activities, official or personal, or otherwise. I have no knowledge about them, except what I may have seen somewhere or heard somewhere, or rumors or something of that kind. I have no knowledge of them.

Mr. ARENS. What did you and Green talk about when you met him in Forer's law office here some few months ago?

(The witness conferred with his counsel.)

Mr. KRUG. The only answer that I could make is that social things.

Mr. ARENS. Did you discuss any of the activities of the American Committee for Protection of Foreign Born?

Mr. KRUG. It was not even mentioned; no. So far as I know, that committee doesn't exist any more.

Mr. ARENS. The American Committee for Protection of Foreign Born does not exist any more?

Mr. KRUG. I say to my knowledge. I haven't heard about it in a long, long time.

Mr. ARENS. During the course of your military service, from 1942 to 1945, were you a member of the Communist Party?

Mr. KRUG. No.

Mr. ARENS. Have you ever been a member of the Communist Party?

Mr. KRUG. I respectfully decline to answer that question.

Mr. ARENS. Were you a member of the Communist Party in 1942, when you were with the Board of Immigration Appeals?

Mr. KRUG. I respectfully decline to answer that.

Mr. ARENS. Were you a member of the Communist Party as of the time you joined the United States military service?

Mr. KRUG. No.

Mr. ARENS. When did you join our military forces?

Mr. KRUG. In October 1942.

Mr. ARENS. When did you actually leave the Board of Immigration Appeals to join the military?

Mr. KRUG. I think I had a 2-week furlough, they called it.

Mr. ARENS. In that period, as of the instant you left the Board of Immigration Appeals, were you a member of the Communist Party?

Mr. KRUG. I respectfully decline to answer that.

Mr. DOYLE. May I ask, do you mean just for the short period of 2 weeks?

Mr. ARENS. Yes, sir. We are tracing the date here now. He has invoked the fifth amendment for any date prior to October 1942.

That is correct, is it not, Mr. Witness?

Mr. WILLIS. I do not think you asked him before 1942.

Mr. ARENS. May I try it now, please, sir?

During the month of October 1942 were you a member of the Communist Party?

Mr. KRUG. No.

Mr. ARENS. During the month of September 1942 were you a member of the Communist Party?

Mr. KRUG. I respectfully decline to answer.

Mr. ARENS. And you left the Board of Immigration Appeals at the end of September, did you not?

Mr. KRUG. The latter part of September.

Mr. DOYLE. How about October 1942?

Mr. ARENS. He invoked the fifth amendment on that, sir.

Mr. WILLIS. I think he did.

Mr. ARENS. I will try it again. During the month of October 1942, were you a member of the Communist Party?

Mr. KRUG. No, sir.

Mr. ARENS. The date is September and right on back; is that correct?

Mr. KRUG. I think I understand you.

Mr. ARENS. Yes. During the course of your service in the military were you under Communist Party discipline?

Mr. KRUG. No, sir.

Mr. ARENS. Have you at any time since October 1942, been a member of the Communist Party?

Mr. KRUG. I will respectfully decline to answer that question.

Mr. ARENS. When you rejoined the Board of Immigration Appeals in 1945, were you a member of the Communist Party?

Mr. KRUG. I respectfully decline to answer that question.

Mr. ARENS. During the course of the time you were in our military service, from 1942 to 1945, were you in the Communist Party?

Mr. KRUG. No, sir.

Mr. ARENS. Is it safe for us to conclude that you were resigned from the Communist Party during the period of time that you were in our military service and rejoined the Communist Party in 1945?

Mr. KRUG. I respectfully decline to answer that question.

Mr. ARENS. Do you feel that if you gave a truthful answer to that question you would be supplying information which could be used against you in a criminal proceeding?

Mr. KRUG. That is right.

Mr. ARENS. During the course of your service in our military, were you under Communist Party discipline?

Mr. KRUG. No, sir. I believe you asked me. The answer is "No."

Mr. ARENS. Prior to the time that you joined our military service did you counsel or advise with any person in the Communist Party respecting a course of action which you should take?

Mr. KRUG. I respectfully decline to answer.

Mr. ARENS. Do you feel that if you told this committee truthfully whether or not you counseled with any person who was in the Communist Party just prior to the time you went into the military, respecting a course of action you should take, you would be supplying information which could be used against you in a criminal proceeding?

Mr. KRUG. That is right.

Mr. ARENS. During the period of your service in the military, did you have contact with any person known by you to be a member of the Communist Party?

Mr. KRUG. No, sir.

Mr. ARENS. Were you under Communist Party instructions or orders in any respect while you were in the military?

Mr. KRUG. No, sir.

Mr. ARENS. Did you, after you concluded your service in the military, counsel with any person known by you to be a member of the Communist Party with respect to a course of action which you were to take?

(The witness conferred with his counsel.)

Mr. KRUG. I am sorry; could I have the question read, please?

(The reporter read from his notes as requested.)

Mr. KRUG. I respectfully decline to answer that question.

Mr. KEARNEY. Then, is it a fair assumption that I, as an individual member of this committee, might take it that you were on leave of

absence from the Communist Party during the time you were in our military service?

Mr. KRUG. Mr. Congressman, I really couldn't answer that question, whether or not it is a fair assumption. I really couldn't do that. I couldn't answer that question.

Mr. KEARNEY. Were you on leave of absence from the Communist Party while you were a member of the Armed Forces?

Mr. KRUG. I respectfully decline to answer.

Mr. ARENS. Were you a member of the Communist Party—I am going to pick up the chronology again—as of the time you reassumed your employment in the Board of Immigration Appeals in 1945?

(The witness conferred with his counsel.)

Mr. KRUG. I respectfully decline to answer.

Mr. ARENS. Were you a member of the Communist Party when you disassociated yourself or when there was a disassociation of yourself from the Board of Immigration Appeals in 1948?

Mr. KRUG. I respectfully decline to answer.

Mr. ARENS. What occasioned your disassociation from the Board of Immigration Appeals in 1948?

(The witness conferred with his counsel.)

Mr. KRUG. I resigned from the Board to enter private practice.

Mr. ARENS. Was that resignation caused directly or indirectly by any apprehension on your part in connection with the loyalty program?

Mr. KRUG. I wouldn't say that in those words, Mr. Arens.

Mr. ARENS. Just say it as you would like to say it.

Mr. KRUG. I had been planning for some time to leave the Government to enter private practice as lawyers do, lawyers who have worked for the Government a few years. With regard to the loyalty program, the loyalty proceeding is, of course, a very distasteful thing. If there had been charges or interrogatories, something like that, it would have been extremely distasteful to me to go through that kind of a proceeding. There was not.

Mr. ARENS. I did not get that last statement.

Mr. KRUG. I say there was not.

Mr. ARENS. Did your disassociation from the Federal Government come about as a result of an apprehension on your part that you might be the subject of a loyalty proceeding?

Mr. KRUG. The thought occurred to me, but, as I say, I had been thinking of leaving the Government for a long time, and I finally made up my mind.

Mr. ARENS. Was the disassociation of yourself from the Federal Government accelerated by an apprehension bearing on a possible loyalty investigation?

Mr. KRUG. I wouldn't say that.

Mr. ARENS. Were you the subject of a loyalty investigation?

Mr. KRUG. Not to my knowledge.

Mr. ARENS. Were you ever supplied with interrogatories?

Mr. KRUG. Not to my knowledge.

Mr. ARENS. That is, bearing on your loyalty?

Mr. KRUG. No, sir.

Mr. ARENS. Did you ever fill out a loyalty form for the Federal Government bearing on the question of affiliation with the Communist Party?

Mr. KRUG. I can't recall that. If you have that here, I would like to see it.

Mr. ARENS. Unfortunately, we do not have it.

Mr. KRUG. I can't recall any such form.

Mr. ARENS. Did you ever take an oath to defend, protect and support the Constitution of the United States while you were an employee of the Federal Government?

Mr. KRUG. I don't have a mental image of raising my hand and taking an oath, but I understand that that was my duty.

Mr. ARENS. Did you take an oath to defend and protect the Constitution of the United States as a prerequisite to your admission into the Armed Forces?

Mr. KRUG. Again, I can't recall that concretely, but I assume that I did.

Mr. KEARNEY. Just a moment, Mr. Arens.

That strikes me as highly improbable. Do you mean to tell this committee that when you entered the service of your country during World War II, that you did not raise your right hand and swear to defend the Constitution of the United States from all enemies, domestic and foreign?

Mr. KRUG. Mr. Congressman, let me explain. I have a memory—

Mr. KEARNEY. Just answer the question.

Mr. KRUG. I am saying that according to my recollection—I don't deny that I did that, I probably did do it. I am willing to concede that I did it. But all I was saying is that I don't have the mental image of repeating those words. I don't deny that I did. I will concede that I did.

Mr. KEARNEY. Did you ever have the Articles of War read to you?

Mr. KRUG. Yes, sir.

Mr. KEARNEY. You remember that all right?

Mr. KRUG. I remember there was a reading of the Articles of War; yes, sir.

Mr. ARENS. Let us have, please, the very last date of your employment with the Federal Government. That was with the BIA, if I may refresh your recollection.

Mr. KRUG. Yes, sir.

Mr. ARENS. It was in the year 1948, and what month?

Mr. KRUG. You named the month of April, and that seems to be correct.

Mr. ARENS. To make this record abundantly clear with the few remaining questions, may I ask you whether or not in April 1948, you were a member of the Communist Party?

Mr. KRUG. I respectfully decline to answer.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. KRUG. No.

Mr. ARENS. Were you a member of the Communist Party 1 year ago?

Mr. KRUG. I will have to respectfully decline to answer.

Mr. ARENS. A year ago, would be February of 1955. Let us split the difference. Were you a member of the Communist Party in August of 1955?

Mr. KRUG. The same answer.

Mr. KEARNEY. Were you a member of the Communist Party yesterday?

Mr. KRUG. The same answer, Mr. Congressman.

Mr. ARENS. That brings us up much closer than I anticipated. Do you truly apprehend that if you would tell this committee honestly whether or not you were a member of Communist Party yesterday, you would be supplying information which could be used against you in a criminal proceeding?

Mr. KRUG. Certainly.

Mr. ARENS. Are you now under Communist discipline?

Mr. KRUG. No, sir.

Mr. ARENS. Were you under Communist discipline yesterday?

Mr. KRUG. The same answer I gave to the previous question.

Mr. ARENS. Have you, in the course of the last 24 hours, completely, without revocation, disassociated yourself from the Communist Party?

(The witness conferred with his counsel.)

Mr. KRUG. My answer to that question is as follows: I am not a member of the Communist Party. As to membership yesterday, I respectfully decline to answer. As to anything else which may be implied in your question, I also respectfully decline to answer.

Mr. ARENS. You do not realize it, Mr. Witness, but you have been exceedingly helpful to this committee in the course of your answers, for reasons which I think you as a lawyer and your counsel can probably appreciate very keenly. Therefore, I should like to pose this question to you: If this committee should cause proceedings to be instituted, whereby you would be granted an immunity under the law, would you accept the tender of immunity and answer fully and completely all questions which might be posed to you respecting information you may have with regard to the Communist Party?

(The witness conferred with his counsel.)

Mr. FANELLI. I would like to consult here. This is a rather important question and we got balled up once.

Mr. WILLIS. We did not get balled up from my point of view.

Mr. FANELLI. I did, sir.

(The witness conferred with his counsel.)

Mr. ARENS. Before you answer, may I ask if you would rather think about it a little while.

Mr. KRUG. No, I can answer now. My counsel advises me that he has serious doubts as to whether a grant of immunity would remove any possibilities of prosecution. I therefore—

Mr. ARENS. Prosecution of whom?

Mr. KRUG. Me.

Mr. FANELLI. Certainly not me.

Mr. ARENS. I just want to be clear that he understands, and that the record reflects clearly what his apprehension is.

Mr. KRUG. I therefore must say that I would not answer, even if this committee offered immunity.

Mr. ARENS. May I inquire further on that point without pressing you, did your counsel advise you or did you apprehend there might be some question with respect to the constitutionality of the immunity statute? Is this why you have that feeling?

Mr. KRUG. All I can say is what I said. My counsel advised me and he didn't tell me why. He didn't go into that. I haven't made a study of this thing, I don't know whether he has or not. But he gave me advice, and I am following it. I didn't ask him any questions.

Mr. WILLIS. You could be a great help to this committee, the Congress and the Government, if you could see your way clear to do that. Would you want to think about it some more and independently, or come to your own independent conclusion as a lawyer? I really sincerely mean that you could be of great service to this country.

Mr. KRUG. I understand, Mr. Congressman.

Mr. WILLIS. I will say that your answers have been forthright and you have been very helpful in ways that you probably do not realize.

Mr. ARENS. You understand, of course, that the mere fact that you might not decline to answer would not let you escape from the pains and penalties of the law. If immunity were granted to you and you declined to answer, you would then be subjected to criminal prosecution for failure to answer. You understand that?

Mr. KRUG. I think so.

Mr. ARENS. May I ask you this one question: Do you now know of any person employed in the Federal Government who was known to you at any time to have been a member of the Communist Party?

Mr. KRUG. No, sir.

Mr. ARENS. Mr. Chairman, I respectfully suggest that would conclude the staff interrogation of this witness.

Mr. DOYLE. Mr. Willis, any questions?

Mr. WILLIS. No questions.

Mr. DOYLE. Mr. Kearney?

Mr. KEARNEY. I would like to ask the witness a question I asked the previous witness. In view of your answers here today, and your attitude, and the view of my colleagues being that you have been very helpful, do you believe that anyone belonging to the Communist conspiracy should be employed in any capacity by the United States Government?

Mr. KRUG. No, sir.

Mr. KEARNEY. Thank you for that forthright answer.

Mr. DOYLE. As you know, the Congress under Public Law 601 has imposed upon this committee the duty of investigating the extent and character of subversive propaganda and activities of the Communist Party or any other subversive outfit and to report back to the Congress in the field of remedial legislation. That is why we are here.

You stated that you were not a member of the Communist Party yesterday, or, you claimed your privilege as of yesterday. As to today, you did not claim your privilege, but frankly stated you are not now a Communist. May I ask you this question, and I assure you I will not pursue it further along that line.

We are interested in reporting to the Congress in the field of possible remedial legislation as to how the Communist Party operates with reference to its members, and its program. We would like a frank answer as to what steps you took between yesterday and now to put yourself in the status, as far as the Communist Party is concerned, of claiming the privileges as of yesterday, but to honestly state under your oath that you are not today a Communist. In other words, what steps did you take to change your status? Did you do it in writing, or did you do it by the telephone? How does a person get out of the Communist Party?

I am not going to ask you any other question. I am not trying to embarrass you or to put you in a jam or anything of that sort. But could you help us, as a congressional committee, to learn what steps

a person takes to change his status from where he has to claim the privilege out of fear of prosecution to where he does not fear that and can frankly say under his oath that he is not now a member of the Communist Party? Can you see what I am getting at?

Mr. FANELLI. May we consult for a moment? I think I can get you an answer to that.

Mr. DOYLE. My thought in asking is that you might help the Congress, if you will, be telling us what steps you took. I am pledging my colleagues to not ask any further questions. Is that fair?

(The witness conferred with his counsel.)

Mr. KRUG. Mr. Congressman, after consultation with my counsel, I have this to say: With respect to the question as to possible membership in the Communist Party yesterday, I wish to withdraw my claim of privilege and answer that question. The answer is "No." You understand, of course, that you can keep asking about the day before and so forth, and that a time is going to arrive——

Mr. DOYLE. We can assure you——

Mr. FANELLI. On your assurance, he is answering the question.

Mr. KRUG. The answer is "No," I was not yesterday.

Mr. DOYLE. You are not answering my question which would help us as a congressional committee in the field of legislation by telling us the actual steps you took to disassociate yourself from the Communist Party. I am not trying to put you in the position where you are admitting at one time you were a member of the Communist Party.

Mr. KRUG. If I may interrupt, Mr. Congressman, it strikes me that an answer to that question would imply prior membership in the Communist Party. I am sure you understand that I am not implying any such thing. I am declining to answer any question on that subject.

Mr. DOYLE. I do not intend to imply that in my question. We are seeking information as to how the Communist Party operates with respect to its membership, how people get into it, and how they get out of it. That is the purpose of my question.

Mr. KRUG. I think you understand, Mr. Congressman, what my position is.

Mr. FANELLI. That is the best we could do for you, sir.

Mr. KEARNEY. I would like to suggest to the witness that either a subcommittee or the committee as a whole, would be willing to hear the witness at any time that he so desires. If there is a change in attitude in the future, all he has to do is contact the chairman of the committee or the counsel.

Mr. KRUG. Mr. Congressman, all I can say is that I have consulted counsel and have gone over this business very thoroughly with him. I have great admiration and respect for him. As I say, anything is conceivable. But I am pretty well convinced that what I have done is the proper thing for me to do.

Mr. DOYLE. May I say to you that we want you to rely on counsel. We know also that you are a lawyer. All of the members on this subcommittee are lawyers, of considerable practice before we first came here. So we think we understand your language. We are particularly aware that members of the bar who are in any way connected with the Communist Party, whether or not they are members, and who may have any information about it, can be very helpful to the Congress,

especially in the field of legislation. We hope the time will come when you can say it is your privileged duty to serve your Nation in the same way as now you feel it is your duty to plead your constitutional privilege.

The witness is excused. Thank you, counsel.

Mr. FANELLI. Thank you very much, sir.

Mr. DOYLE. The committee stands adjourned until February 28, at 10 a. m.

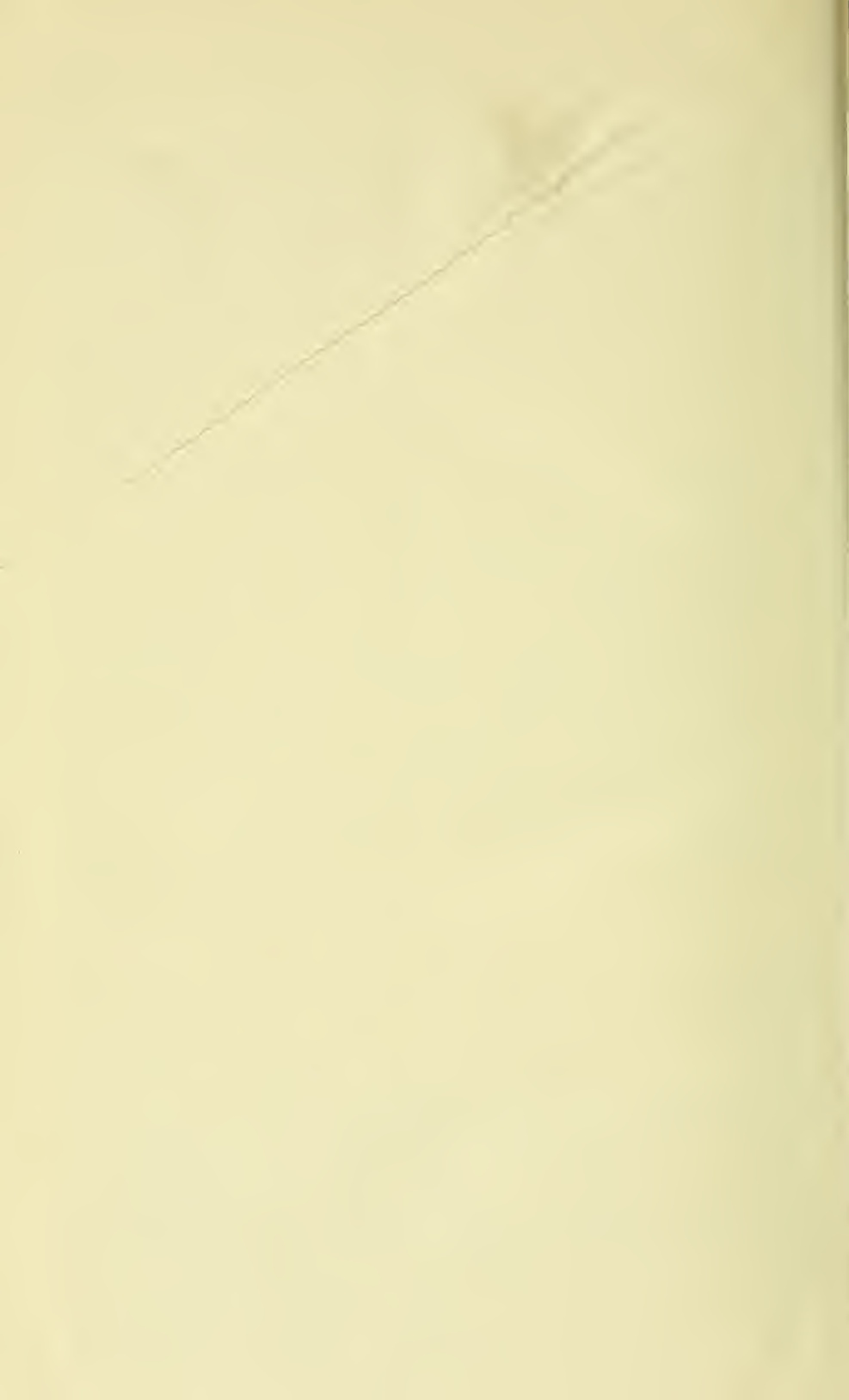
(Present at the taking of the recess were Mr. Doyle, Mr. Kearney, and Mr. Willis.)

(Whereupon, at 12:28 p. m., Friday, February 24, the hearing recessed, to reconvene at 10 a. m., Tuesday, February 28, 1956.)

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